

Also, resolutions of the Chamber of Commerce of New York, urging the passage of a bill authorizing the Secretary of the Treasury to exchange gold coin for any other money coined by the United States whenever it may be necessary to do so—to the Committee on Banking and Currency.

By Mr. FITZGERALD of New York: Petition of sundry citizens of Brooklyn, N. Y., indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

Also, petition of 47 citizens of the Second Congressional district of New York, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of D. M. Bothwell, of Brooklyn, N. Y., for the repeal of the war-revenue tax on tea—to the Committee on Ways and Means.

By Mr. GAMBLE: Papers to accompany House bill granting a pension to Theodore F. Collins—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Resolutions of the Methodist Episcopal Church of Blanchard, Iowa, in favor of provision to prohibit the importation of intoxicating liquors into countries chiefly inhabited by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. McRAE: Affidavits to accompany House bill granting a pension to Lelia H. Shaw—to the Committee on Pensions.

By Mr. MIERS of Indiana: Paper to accompany House bill for the relief of Andrew Jarvis, of Spencer, Ind.—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: Petition of Timothy B. Lehane, to accompany House bill No. 12638, granting him an increase of pension—to the Committee on Invalid Pensions.

Also, protest of the Woman's Christian Temperance Union of Prospect, Ohio, against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

By Mr. PHILLIPS: Affidavits to accompany House bill granting an increase of pension to Charles H. Knapp—to the Committee on Invalid Pensions.

Also, affidavit to accompany House bill granting a pension to Salmon Hudson—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petition of Charles H. Wickham, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: Petition of Julia Gailey, the heir of Hiram Gailey, deceased, late of Wayne County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Rev. J. L. Leeper, of Fort Wayne, Ind., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. RYAN of New York: Petition of N. Rochester, cashier Third National Bank of Buffalo, N. Y., to reduce the war tax on bank capital and surplus—to the Committee on Ways and Means.

By Mr. SHOWALTER: Petition of citizens of Butler, Pa., to accompany House bill granting a pension of \$50 per month to Henry Forcht—to the Committee on Invalid Pensions.

By Mr. VREELAND: Resolutions of Methodist, Baptist, and Presbyterian churches, and the Woman's Christian Temperance Union, of Angelica, N. Y., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, resolutions of Methodist, Baptist, and Presbyterian churches, and the Woman's Christian Temperance Union, of Angelica, N. Y., against island saloons and canteens—to the Committee on Insular Affairs.

By Mr. WARNER: Petitions of citizens of Tuscola and Normal, Ill., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WILLIAMS of Mississippi: Paper to accompany House bill for the relief of William D. Wilson—to the Committee on War Claims.

By Mr. YOUNG: Resolutions of the Trades League of Philadelphia, in favor of legislation transferring the present mint building to the city of Philadelphia—to the Committee on Public Buildings and Grounds.

By Mr. VANDIVER: Petition of W. A. Long and other citizens of Christian County, Mo., to accompany House bill granting a pension to William Thompson—to the Committee on Invalid Pensions.

## SENATE.

MONDAY, December 17, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.  
The Journal of the proceedings of Saturday last was read and approved.

### ELECTORAL VOTE OF TEXAS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and

Vice-President appointed in the State of Texas at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, was ordered to lie on the table.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8487) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry.

The message also announced that the House had passed the bill (S. 5076) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder; and

A bill (H. R. 12737) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 8487) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry;

A bill (H. R. 10834) granting a pension to Michael Dempsey; and

A joint resolution (H. J. Res. 281) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1900, on the 20th day of said month.

### PETITIONS AND MEMORIALS.

Mr. VEST presented a petition of sundry business firms of Kansas City, Mo., praying for the repeal of the revenue tax on hides; which was referred to the Committee on Finance.

Mr. McMILLAN presented petitions of the Woman's Missionary Society of the First Presbyterian Church of Negaunee; of the Woman's Missionary Society of St. Louis; of the congregations of the Immanuel Presbyterian and the First Presbyterian churches, of Detroit, Ypsilanti, Jackson, and Adrian; of the Woman's Home and Foreign Missionary Society of the Presbyterian Church of Decatur; of sundry citizens of Buchanan and Detroit; of the Ladies' Aid Society of the Second Presbyterian Church of Detroit; of the Ladies' Missionary Society of the First Presbyterian Church of Harbor Springs, and of the Woman's Missionary Society of the Second Memorial Presbyterian Church, of Detroit, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of California, praying for the repeal of the revenue tax on imported grain bags; which was referred to the Committee on Finance.

He also presented seventy-one petitions of sundry citizens of California, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry fruit growers of California, praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of Unity Post, No. 1, Department of California, Grand Army of the Republic, of Veterans' Home, Cal., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Military Affairs.

He also presented two petitions of citizens of California, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. QUARLES presented a petition of sundry business firms of Wisconsin, praying for a reduction of the revenue tax on beer; which was referred to the Committee on Finance.

He also presented petitions of citizens of Grand Rapids, Madison, and Waukesha, all in the State of Wisconsin, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the board of directors of the Chamber of Commerce of Milwaukee, Wis., praying for the repeal of the war-revenue tax on merchandise sold upon the commercial exchanges of the country; which was referred to the Committee on Finance.

He also presented a petition of the Honeycreek Society of the Methodist Episcopal Church, of Honeycreek, Wis., praying for



the enactment of legislation to prohibit the sale of intoxicating liquors in all the island possessions of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the presbytery of the Welsh Calvinistic Methodists of the Second district of Wisconsin, and a petition of the congregation of the Methodist Church of Delavan, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of 23 citizens of Brewster, Minn., and a memorial of sundry citizens of New Ulm, Minn., remonstrating against the passage of the so-called parcel-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 3311) for the relief of Edwin Bell; which were referred to the Committee on Patents.

Mr. CLAY presented a petition of the Board of Trade of Savannah, Ga., praying that an appropriation be made to provide a channel through Skidaway Narrows, in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Georgia Dairymen's Association, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. BUTLER. I present the petition of Mr. David Lubin, of New York, in behalf of the State granges of California, Oregon, Illinois, Washington, Missouri, Virginia, and Pennsylvania, praying for the adoption of an amendment to the ship-subsidy bill now pending in the Senate so as to give protection to agricultural staples by placing a bounty on exports. The petition is brief, and inasmuch as it will attract considerable attention, owing to its author, I move that it be printed as a document and that it lie on the table.

The motion was agreed to.

Mr. HOAR presented a petition of the New England Drug Exchange, praying for the repeal of the revenue-stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Fall River, Mass., praying for the enactment of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Lynnfield Center, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Leicester, Mass., praying for the enactment of legislation to prohibit the importation and sale of intoxicating liquors in the insular possessions of the United States; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Ladies' Society and Woman's Christian Temperance Union of Covert, of the Sons of Temperance of Neponset, of the congregations of the First Baptist and the Methodist Episcopal churches of Greenfield, of the Woman's Christian Temperance Union of Fall River, of sundry churches and religious organizations of Ware, and of the congregation of the Village Church of Cummington, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. DOLLIVER presented a petition of the Commercial Exchange of Des Moines, Iowa, praying for the establishment of a national park on the Leech Lake Indian Reservation, in the State of Minnesota; which was referred to the Committee on Indian Affairs.

He also presented the petition of J. R. Vance and sundry other citizens of Armstrong, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry life insurance companies of Des Moines, Iowa, praying for the repeal of the revenue-stamp tax on insurance policies; which was referred to the Committee on Finance.

He also presented a petition of sundry clerks employed in the post-office at Fort Dodge, Iowa, praying for the enactment of legislation providing for the reclassification of clerks in the railway postal service and also to limit the hours of daily labor of workmen, mechanics, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Retail Grocers' Association of Des Moines, Iowa, remonstrating against the passage of the so-called parcel-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of James C. Taylor Post, No. 165, Department of Iowa, Grand Army of the Republic of Algona, Iowa, praying for the enactment of legislation giving preference to vet-

erans in the public service; which was referred to the Committee on Military Affairs.

He also presented a petition of 200 veterans of the civil war, praying for the passage of a graded service pension bill; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a memorial of sundry citizens of Grant City, Mo., remonstrating against the passage of the so-called parcel-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry business firms of Kansas City, Mo., praying for the repeal of the revenue tax on hides; which was referred to the Committee on Finance.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Sparta, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. FAIRBANKS presented a petition of the teachers and students of the Lucy Webb Hayes National Training School, of the city of Washington, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a petition of sundry citizens of Boyle, Kans., praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Marquette, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, and also in all the island possessions of the United States; which was referred to the Committee on Military Affairs.

Mr. McBRIDE presented a petition of sundry keepers of life-saving stations in Oregon, praying that their pay be increased to \$100 per month; which was referred to the Committee on Commerce.

Mr. BURROWS presented sundry petitions of citizens of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. ELKINS presented sundry petitions of citizens of West Virginia, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. THURSTON presented petitions of 25 banking firms of Nebraska, praying for the repeal of the revenue tax levied upon the capital of banks; which were referred to the Committee on Finance.

Mr. FRYE presented a petition of John Merrill Post, Department of Maine, Grand Army of the Republic, of Richmond, Me., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Military Affairs.

#### REPORTS OF A COMMITTEE.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 5048) to confirm in trust to the city of Albuquerque, in the Territory of New Mexico, the town of Albuquerque grant, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 11213) for relief of occupants of lands included in the Algodones grant, in Arizona, reported it without amendment, and submitted a report thereon.

#### SETTLERS ON CEDED INDIAN LANDS.

Mr. NELSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5141) extending the provisions of section 2301 of the Revised Statutes of the United States to homestead settlers on the ceded Indian reservation in Minnesota, to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota for the present consideration of the bill?

Mr. PETTIGREW. I should like to hear the bill explained by the Senator from Minnesota.

Mr. NELSON. It is simply a bill allowing homestead settlers on the Indian reservation in Minnesota to commute their homesteads as in other cases; that is all.

Mr. PETTIGREW. How is it with the other reservations?

Mr. NELSON. In the case of nearly all the other reservations they have that right under existing law—under the general homestead law.

Mr. PETTIGREW. Does the bill extend the privilege to the homesteaders in Minnesota under the old law—that is, after six months' residence?



Mr. NELSON. It is fourteen months' residence by the existing law, and then they have to pay for the land. The bill simply applies to commutation privileges under the general homestead law.

Mr. PETTIGREW. I should like to know how it came that that reservation was not included in the general law heretofore.

Mr. NELSON. In the law that originally opened the reservation no provision was made for commutation. The settlers were required to live there five years and to pay a dollar and a quarter an acre. At the last session we relieved them by a free-homestead law. Now, this is to allow the settlers to commute, and if they commute the money goes to the United States and to the Indians, and is that much paid to the Government.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. CARTER. I move to insert the words "and Montana" after the word "Minnesota," in line 7.

Mr. ALLEN. I desire to present an amendment.

Mr. ALLISON. I should be glad to have the Senator from Montana explain the necessity for his amendment.

Mr. ALLEN. I move to insert the words "and Nebraska" after "Montana."

The PRESIDENT pro tempore. The Senator from Nebraska moves to amend the amendment offered by the Senator from Montana by inserting after it the words "and Nebraska." The question is on agreeing to the amendment to the amendment.

Mr. HANSBROUGH. I think that if we are going to insert particular States, the bill ought to be made to apply to all States. I understood the Senator from Minnesota this morning in committee to say that all other reservations had been cared for, and he desired to look after the reservation in Minnesota. Now, it appears that there are reservations in other States to which the provision of existing law does not apply. I think the bill ought to cover all States where there are Indian reservations.

Mr. NELSON. I wish to say, Mr. President, that under the laws opening several of the reservations the general right of commuting homesteads was not given. We passed at the last session of Congress what is known as the free homestead bill, by which all settlers were allowed to get the lands free, without paying for them, and the Government was to reimburse the Indians. Under the general homestead law all homesteaders, after residing fourteen months on the land, can commute; that is, instead of living there five years, they can pay cash for the land and get their patents.

The bill is intended to allow the settlers on this reservation to commute like other homestead settlers, and it is to the great financial advantage of the Government, because when they commute they pay the cash, and that reimburses the Government to that extent and helps to relieve it of the burden we assumed by the free homestead act passed last spring.

Mr. PETTIGREW. Mr. President—

Mr. NELSON. I wish to say further, if the Senator will allow me, that most of the reservations to which the free-homestead law applied were in Oklahoma. Some were in Montana and some in South Dakota.

Mr. HANSBROUGH. And some in Idaho.

Mr. NELSON. And some in Idaho. In most of those cases under the original law or under a supplementary law the settlers have been given the right to commute. In a few cases, that of Minnesota, and, I think, Montana, and perhaps Nebraska, the right of commuting their entries had not been given, and the object is simply to put those homestead settlers on a par with other settlers. This will redound to the financial advantage of the Government, because in every case where there is commutation the Government gets that much money to reimburse itself under the free-homestead law.

The PRESIDENT pro tempore. If the Senator from South Dakota will pardon the Chair for one moment, the Chair calls the attention of Senators to the fact that in line 7 the bill is limited to the lands of the Chippewa Indian Reservation in Minnesota.

Mr. NELSON. I wish Senators would allow the bill to go through, and then bring in other bills for their respective States.

The PRESIDENT pro tempore. The Chair thinks the bill had better be read to the Senate again. The Senate was in confusion when it was read. The Secretary will, with the permission of the Senator from South Dakota, again read the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the provisions of section 2301 of the Revised Statutes of the United States, allowing homestead settlers to commute their said entries, be, and the same are hereby, extended to the homestead settlers on the ceded lands of the Chippewa Indian Reservation in Minnesota under the provisions of the act of Congress approved January 14, 1889, and acts supplemental thereto: *Provided*, That the money paid in for said commutations shall be distributed in accordance with the provisions of said act of Congress approved January 14, 1889.

Sec. 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. PETTIGREW. Mr. President, I think the Senator from

Minnesota is entirely right about this matter. At the time this reservation was opened up the Great Sioux Reservation was also opened up in South Dakota, and in both cases the law provided that title could only be acquired by five years' residence. As far as the Great Sioux Reservation is concerned, several years ago Congress passed a bill which I introduced providing just what the Senator wishes to have accomplished in this bill with regard to the Chippewa Reservation. For several years the settlers in South Dakota on the Great Sioux Reservation have been allowed to commute their entries after fourteen months' residence.

The only question which arose in my mind in regard to the bill was whether it did not confer the privilege on the Minnesota settlers of commuting after six months' residence, which was contrary to the provisions of the present law as to public lands generally; but, as I understand it, the bill simply extends the commutation privilege as amended by the act of 1891 and allows, after fourteen months' residence, the right to pay for the land.

Mr. NELSON. The Senator is correct.

Mr. PETTIGREW. I do not think the reservations in Montana or Nebraska or North Dakota have any such restrictions. In my opinion all those people can commute their entries. I know that is true with regard to North Dakota and South Dakota. Therefore I do not care to amend the bill so as to embrace my State within its provisions.

Mr. CARTER. Mr. President, the fact is that the commutation right does not exist with reference to the ceded portions of reservations in the State of Montana which have been ceded within the last ten or twelve years. The entire northern part of the State known as the Blackfeet Reservation was ceded with a special restriction as to commutation.

I do not wish to delay the passage of this bill, but I suggest to the Senator from Minnesota that instead of the words "Chippewa Indian Reservation in Minnesota," the words "on all lands ceded by Indians to the Government" be inserted, so that the bill will be general in its application rather than special.

There is much confusion, Mr. President, in the administration of the land laws incident to a great variety of laws in the same State or in a number of States of the Union. This commutation privilege may extend in one county of the State of Montana, and it may not extend in another county in the State. The land officers find it difficult to administer the law at all times when the laws are uniform. When they are conflicting and local in application the confusion is increased, and, of course, the difficulty of administration is greatly increased.

I suggest that instead of mentioning Minnesota we strike out the words "Chippewa Reservation in Minnesota" and insert "all Indian lands ceded to the United States."

Mr. ALLEN. Mr. President, I move also to amend the bill by inserting the word "all" after the word "on," in line 6, and striking out, in line 7, the words "the Chippewa," changing the word "reservation" to "reservations," and striking out the words "in Minnesota."

Mr. TELLER. Let the bill be read as proposed to be amended.

The PRESIDENT pro tempore. The amendment offered by the Senator from Montana [Mr. CARTER] is to insert the words "and Montana," to which the Senator from Nebraska [Mr. ALLEN] offered an amendment, adding the words "and Nebraska." That is the pending amendment. Does the Senator from Nebraska withdraw his first amendment?

Mr. ALLEN. No, sir. I offer these additional amendments.

Mr. BERRY. Mr. President, the Senator from Minnesota has thoroughly considered this bill, and he had it considered by the Committee on Public Lands. There is no objection to it whatever as it came from that committee, and it seems to me that it would be better to pass the bill as it was reported from the Committee on Public Lands. If Senators have in their States lands in a like situation, they can have the bills considered by that committee, and there will be no difficulty about it. But to undertake to amend this bill on the floor of the Senate, without knowing to what extent it would go or what effect it would have, it seems to me is not the proper course to pursue.

I hope the amendments will not be adopted and that the bill will be passed as reported from the Committee on Public Lands. If there are other States that have lands in like situation, the committee will report those bills and the Senate will pass them.

Mr. ALLEN. Mr. President, I certainly can not agree with the Senator from Arkansas, much as I would like to do so. The bill affects lands in various States—in Minnesota, Montana, Nebraska, and other States. It is not a very complicated bill. It is not the work of more than a moment or two to perfect it and make it to include every State and Territory in the Union. I do not understand why it should not be open to amendment the same as other bills and be made applicable to every State where a similar condition exists. The striking out of a word or two in the bill will make it applicable to the entire United States.

Mr. PLATT of Connecticut. May I ask a question?

Mr. ALLEN. Certainly.

Mr. PLATT of Connecticut. Will the Senator's amendment



make it applicable to future ceded Indian reservations as well as to those that have already been ceded? What will the effect of it be? Will it be prospective?

Mr. ALLEN. I can not answer that, because I have not looked at the bill far enough to know; but the amendment that I offer does not change the substance of the bill in that respect; it simply changes the territory to which it extends. It enlarges it, but does not change the general drift and meaning of the text of the bill.

Mr. HANSBROUGH. I suggest to the Senator from Nebraska that he withdraw his amendments and accept the amendment offered by the Senator from Montana, which makes the bill general, so that there can be no exception of any reservation.

Mr. ALLEN. I wish to say to the Senator from North Dakota that if he will look at the bill he will see that the amendment last offered by me is necessary to make it general. The bill speaks of the Chippewa Reservation in the State of Minnesota, and I move to strike that out.

Mr. CARTER. Let the last amendment be read.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment. The Chair supposes that, as it is entirely inconsistent with the amendment inserting the words "and Nebraska," the Senator withdraws that amendment and offers this one instead.

Mr. ALLEN. No, sir; I do not, because the words "Chippewa Reservation in the State of Minnesota" limit the operation of the bill, and the word "Minnesota" must go out.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment which will be read to the Senate.

The SECRETARY. In line 6, after the word "on," insert the word "all;" in line 7 strike out the word "Chippewa;" in the same line change the word "reservation" so that it will read "reservations," and strike out the words "in Minnesota" that follow.

Mr. ALLEN. Now let the bill be read as proposed to be amended.

The SECRETARY. So that as amended it will read:

That the provisions of section 2301 of the Revised Statutes of the United States, allowing homestead settlers to commute their said entries, be, and the same are hereby, extended to the homestead settlers on all the ceded lands of the Indian reservations under the provisions of the act of Congress approved, and so forth.

Mr. NELSON. Mr. President, I desire to make a statement with reference to these amendments. I do not think the amendments ought to be incorporated in the bill, for the reason that in the opening of many of the reservations different laws were passed. In some cases the Government paid the Indians a lump sum and then provided for reimbursing the Government by means of charging the homesteaders a certain price for the land. In the case of the reservations in Minnesota the Government advanced no money in the first instance; the lands were to be disposed of as homesteads, and as fast as the money was received it went to the Indians.

Now, the bill would hardly apply to the other reservations, because another provision of the bill provides that the money shall go to the Indians as under the original act, and that would not be germane and appropriate in the case of the other reservations.

Mr. BERRY. That is right.

Mr. NELSON. Therefore those matters ought not to be confounded in this bill. It is very easy to prepare bills applying to those cases, and I presume there will be no objection to them. I hope Senators will have the goodness to withdraw their amendments in this case.

Mr. GALLINGER. Mr. President, I rise to ask if unanimous consent has been given for the consideration of this bill.

The PRESIDENT pro tempore. Unanimous consent has been given.

Mr. GALLINGER. It seems to me that this matter is so complicated that it ought to be recommitted to the Committee on Public Lands for further consideration. I have been very diligently watching an opportunity to ask consideration for a bill that very vitally affects the people of the District of Columbia, but I have not had an opportunity to do so. A measure which is controverted as this is, and where there is so much misunderstanding, I believe ought to be sent to the committee, and let the committee settle the differences there. I do not care to make the motion, but it seems to me that that would be the proper way to dispose of the matter.

Mr. HALE. The Senate does not understand even the bill itself. If it is to be made a general bill, the committee ought to consider that subject and report it in that form. If it is to be changed by adding one State and another, the committee ought to consider that and give each State the same chance that the one State taken care of by the bill has.

Therefore in that view, and agreeing with the Senator from New Hampshire, I move that the bill be recommitted to the Committee on Public Lands. It can be reported at any time.

The PRESIDENT pro tempore. The Senator from Maine moves that the bill be recommitted to the Committee on Public Lands.

The motion was agreed to.

#### BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 5213) granting an increase of pension to Cornelius Springer; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Cornelius Springer, of Company H, Eighteenth Regiment Ohio Volunteer Infantry, verified by his affidavit, together with the affidavits of Isaac Hearn, William J. Cahill, I. R. Gibson, and Drs. M. O. Biggs and S. J. Reynolds. I move that the bill and accompanying papers be referred to the Committee on Pensions. The motion was agreed to.

Mr. DANIEL introduced a bill (S. 5214) to authorize the President of the United States to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and appoint them brigadier-generals, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5215) granting a pension to Edward C. Spofford; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5216) granting a pension to Sarah J. Hart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5217) to refer the war claim of the estate of Carter B. Butler, deceased, to the Court of Claims;

A bill (S. 5218) for the relief of the estate of William Fletcher, deceased;

A bill (by request) (S. 5219) for the relief of Alexander Perry; and

A bill (S. 5220) for the relief of the estate of Benjamin M. Yancey, deceased.

Mr. KYLE introduced a bill (S. 5221) granting a pension to Edigna Breidenbach; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY (by request) introduced a bill (S. 5222) for the relief of George H. Hogan; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5223) for the relief of the estate of David M. Whitney, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McBRIDE introduced a bill (S. 5224) granting an increase of pension to R. C. Brant; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5225) granting a pension to Jerry Haggee;

A bill (S. 5226) granting an increase of pension to Charles R. Ford (with accompanying papers); and

A bill (S. 5227) granting an increase of pension to John Beck (with accompanying papers).

Mr. BAKER introduced a bill (S. 5228) for the relief of William Bowman; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5229) for the relief of Henry Canning; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 5230) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5231) relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5232) prescribing the qualifications, pay, and manner of selecting juries in the district courts of the Territory of New Mexico held for the trial of causes arising under the Constitution and laws of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DOLLIVER introduced a bill (S. 5233) granting an increase of pension to Philetus M. Axtell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5234) to provide for erecting for the Department of Agriculture a laboratory building on reservation No. 2, in the city of Washington, D. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced a bill (S. 5235) granting a pension to Mary R. Pike; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 5236) granting an increase of pension to Dennis Hannifin; which was read twice by its title, and referred to the Committee on Pensions.



Mr. HALE introduced a bill (S. 5237) granting a pension to Lovina J. Reeves; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5238) authorizing the Secretary of the Navy to contract for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast at an asylum in the State of California; which was read twice by its title, with the accompanying letter from the Secretary of the Navy, which was ordered to be printed, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5239) authorizing the President to appoint in the office of the Secretary of the Navy, Navy Department, an inspector of accounts; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. THURSTON introduced a bill (S. 5240) providing for the payment of rent of certain buildings at Fort Crook Military Reservation, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5241) granting a pension to Ann E. Tillson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5242) granting an increase of pension to Henry D. Fulton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5243) for the extension of Fourteenth street, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McCOMAS introduced a bill (S. 5244) to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a bill (S. 5245) for the relief of the estate of Henry Ingram, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a joint resolution (S. R. 139) to provide a commission to consider certain improvements in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HALE introduced a joint resolution (S. R. 140) for the erection of a monument to the memory of Dorothea Lynde Dix; which was read twice by its title.

Mr. HALE. Accompanying the joint resolution is a memorial, a statement from Dr. A. B. Richardson, superintendent of the St. Elizabeth Hospital, and other papers. I move that the accompanying papers be printed as a document, and, with the joint resolution, referred to the Committee on the Library.

The motion was agreed to.

#### AMENDMENTS TO BILLS.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 2433) granting per diem pension service to honorably discharged officers and enlisted men of the Union Army in the civil war; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. STEWART submitted an amendment providing for the retention in the Government service of clerks who have served temporarily in the Department of State for two years, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FRYE submitted an amendment to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### THE OLEOMARGARINE BILL.

Mr. PENROSE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That 1,000 copies of the bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State and Territory into which they are transported, and to change the tax on oleomargarine, be printed for the use of the Senate.

#### MONTANA SENATORIAL INVESTIGATION.

Mr. CHANDLER. Mr. President, are reports of committees still in order?

The PRESIDENT pro tempore. That order has been passed by. Without objection, the report will be received.

Mr. CHANDLER. I did not wish to make a report, but I wish to ask the acting chairman of the Committee on Contingent Expenses whether or not he is prepared to report the resolution giving the Committee on Privileges and Elections power to send for

persons and papers in the investigation of the credentials of William A. Clark and Martin Maginnis, who are claimants for the vacant seat in the Senate from Montana. My colleague informed me on Saturday that a meeting of the committee would be called this morning, and I am anxious to know whether the committee is prepared to report that resolution, so that it may be acted on by the Senate.

Mr. GALLINGER. I will state, Mr. President, in response to the interrogatory of my colleague, that as acting chairman of the committee, in the absence from the city of both the chairman and the clerk of the committee, I personally called a meeting of the committee, which was held this morning. The Senator from Arkansas [Mr. JONES], the second member of the committee, had made a request that no action should be taken in his absence, and he was not present at the meeting this morning; in addition to which I received a letter from the chairman of the committee, raising some objections to the resolution. He is unavoidably detained in the city of New York, caring for a sick daughter. In view of all the circumstances, the three members of the committee who met concluded to postpone the matter until some future time, when another meeting of the committee will be called.

Mr. CHANDLER. I will ask my colleague whether the committee adjourned to meet at any particular time?

Mr. GALLINGER. I will answer that there was no time decided upon.

Mr. CHANDLER. There was a quorum of the committee present?

Mr. GALLINGER. There was.

Mr. CHANDLER. The Senate has directed its Committee on Privileges and Elections to make this inquiry. The committee is unable to make the inquiry unless it has power to send for persons and papers. Mr. Maginnis and, for aught I know, Mr. William A. Clark stand at the door of the Senate asking admission under these appointments. A resolution has come from the House of Representatives for a holiday recess, beginning on Friday. It seems to me that the Senate in justice to its own order should give the committee the powers which it asks for, or refuse to give those powers.

I will ask my colleague whether the absent Senator, the chairman of the committee, gives any reason why he is opposed to giving these powers to the Committee on Privileges and Elections? If so, I wish he would state them to the Senate.

Mr. GALLINGER. Before doing that, I feel bound to say that I think no just criticism can apply to the committee for a lack of promptitude in considering this matter. The resolution came to the committee on Saturday last. A meeting of the committee was held this morning. As to whether the committee will meet again to-morrow or the next day, I can not say. I shall consult with the other members of the committee in reference to that matter, and I will be guided largely by their opinions.

My colleague inquires as to whether the chairman of the committee gives any reason for his opposition to the resolution.

Mr. JONES of Arkansas. Will the Senator allow me to make a suggestion?

Mr. GALLINGER. Certainly.

Mr. JONES of Arkansas. I do not know of any right a Senator has to ask a member of a committee to make a report to the Senate or what opinion any member of the committee may give for his action in committee. I have never heard of that being done before; and I do not believe it is a proper treatment of the absent Senator, the chairman of the committee, to call in question whatever he may have said or what he thinks about this matter. When he chooses to be heard in the Senate he can be here and speak for himself, and I think the time to call his opinions in question will be when he is here.

So far as my absence from the committee is concerned, it was impossible for me to attend the meeting of that committee to-day and it will be impossible to attend a meeting to-morrow. I stated to the members of the committee that it was impossible for me to be there. I had other things that required my attention, and it was necessary for me to be absent from the committee. I am usually prompt in my attendance on meetings of committees. I do not understand why the Senator from New Hampshire shall undertake to call us in question or undertake to punish us in the Senate for not having acted as promptly as he desired on a resolution which he seems to be particularly anxious to have passed. I do not think it is the proper thing to have a statement made about what the Senator from Nevada [Mr. JONES] may have said to the acting chairman of the committee in a private letter.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Debate is proceeding by unanimous consent.

Mr. GALLINGER. I quite agree with my colleague on the committee as to the impropriety of reading a private letter from the chairman of the committee in connection with this matter, and yet I will venture to say the chairman of the committee holds that this is a question of law which he thinks can be determined



without expending more money in its investigation. As to how the committee will hold on that point I am unable to say.

All I desire to say, Mr. President, is that so far as I am individually concerned, I proceeded diligently and expeditiously in seeking to have the resolution considered; but I think that, in the absence of the Senator from Arkansas, the committee did quite right this morning in postponing it.

Mr. CHANDLER. Mr. President, I do not wish to punish the Senator from Arkansas—I had no such intention—unless it is punishment for him to listen to a civil and courteous inquiry of him as acting chairman of the committee.

There is no use, Mr. President, to put on any disguises in connection with this question. This treatment of a resolution asking the authority of the Senate to send for persons and papers was never given to any resolution before. The Committee on the Contingent Expenses of the Senate have never before undertaken to hold back a resolution in this way.

The Senator from Arkansas did quite right in asking that, before the Committee to Audit and Control the Contingent Expenses of the Senate should consider the resolution, it should come from a committee, and not from an individual Senator. I have always contended for that, and have been ruled out of order two or three times for making that contention. Now that that requisite has been complied with, the Committee on Privileges and Elections, acting under directions of the Senate, want to go on with this investigation; and the only question for the Committee to Audit and Control the Contingent Expenses of the Senate is whether the Government can afford to pay the bills or not, and whether there is money enough in the Treasury to make the inquiry.

Mr. President, that resolution ought to be acted upon, and acted upon promptly, as all other resolutions of that nature have hitherto been acted upon. It is very evident where the responsibility for the delay that is taking place rests, and if no report shall be made shortly I shall move to discharge the committee from the consideration of the resolution and ask that the action of the Senate may be taken thereon. I shall do my duty in this case in accordance with the deliberate instructions of the Senate. I can not perform the duty which the Senator from Arkansas ought to perform in reporting back this resolution.

Mr. LODGE. Regular order, Mr. President.

Mr. JONES of Arkansas. Mr. President, one word. I do not remember the day that this resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate; but I think it was on Saturday last.

Mr. GALLINGER. That is the fact.

Mr. JONES of Arkansas. This is the very next legislative day after the resolution was sent to the Committee to Audit and Control the Contingent Expenses of the Senate; and yet the Senator from New Hampshire seems to be terribly exercised about the extraordinary delay in reporting the resolution back. Why this extraordinary haste on the part of the Senator from New Hampshire? There is certainly some reason for it. For one, I propose to take time enough for the committee to consider whether or not the resolution ought to pass; and I shall be accountable to the Senate for my conduct.

Mr. CHANDLER. I am not "terribly exercised" about what the committee shall do; but I have been a little anxious to know why it was not convenient for the Senator from Arkansas to attend the meeting of the committee this morning.

#### EXTENSION OF MINING LAWS TO SALINE LANDS.

The PRESIDENT pro tempore. Is there further morning business?

Mr. STEWART. Mr. President, the Senator from South Dakota [Mr. PETTIGREW] has withdrawn his objection to the bill that I called up before the Senate on Saturday last, and I ask unanimous consent that it may be now considered.

Mr. LODGE. Has the morning business been completed?

The PRESIDENT pro tempore. Is there further morning business?

Mr. LODGE. I will yield for morning business, Mr. President, but when that is concluded I desire to make a motion that the Senate proceed to the consideration of executive business.

Mr. STEWART. I hope the Senator will yield for the consideration of the bill to which I have referred.

#### ALASKAN INVESTIGATION.

Mr. CARTER. I submit a resolution which I ask to have read and referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Montana will be read.

The Secretary read as follows:

To investigate the conduct of the judge of the division of the district court of Alaska located at St. Michaels, and to ascertain and report to the Senate the names of all persons who are in any way connected with any litigation in said court, concerning which any improper influence or illegal conduct has been or may be charged.

Whereas it has been charged through the press and otherwise that Judge Arthur H. Noyes, of the district court of Alaska, having jurisdiction over the

Cape Nome district, has been guilty of illegal or improper conduct in connection with litigation pending in his court; and

Whereas it is further charged by innuendo and insinuation that such alleged illegal action or improper conduct resulted from a conspiracy in which many persons were concerned: Therefore, be it

Resolved, That the Judiciary Committee of the Senate be, and is hereby, authorized and directed to thoroughly investigate and after such investigation to report to the Senate the facts found in response to the following interrogatories, to wit:

1. Are the general mining laws of the United States applicable to the district of Alaska?

2. Has Judge Noyes, having jurisdiction over Cape Nome, been guilty, directly or indirectly, of any illegal or improper conduct in or connected with any litigation which has been or is pending in his said court?

3. Whether or not any Senator or Representative in Congress, or any officer of the Federal Government, at any time possessed any interest, directly or indirectly, in any property which has been the subject of litigation in said court, and whether or not any such person has at any time had any interest, directly or indirectly, in the result of any such litigation, either as an owner, stockholder, director, or possessor of contingent interest; and, if so, the name and position of such person and the nature of the interest held or claimed.

4. What, if any, effort has been made by any party to any litigation pending in said courts to improperly or illegally influence the action or judgment of the court or any officer thereof?

5. What, if any, sum or sums of money have been spent by any person or persons, corporation or company, to print or circulate statements reflecting upon the honor and integrity of the court or the judge or any officer thereof, and by whom such expenditures were made and for what purpose?

6. The facts and circumstances connected with and the inducements offered to Judge Johnston, the predecessor of said Judge Noyes, to procure him to resign his position on the bench and to become connected with litigation pending in the court at the time of his resignation or thereafter commenced in said court.

To fully inquire into and to report to the Senate any other charge, fact, or circumstance in any manner directly or indirectly reflecting upon the integrity of said Judge Noyes or his said court, or any receiver or other officer thereof, in connection with any litigation which has been, is now, or may be pending in said court when the investigation is made.

That said committee be, and is hereby, authorized to send for persons and papers and examine witnesses on oath in relation to the subject-matter of this resolution, and to incur such expense in traveling as may be by the committee deemed necessary in the prosecution of such investigation, all expenses of the inquiry to be paid out of the contingent fund of the Senate; and said committee is authorized, if deemed expedient, to conduct the investigation through a subcommittee to be appointed by the chairman thereof.

Mr. HOAR. Mr. President, if I may be allowed by unanimous consent to say a word or two before the Senate acts on the resolution, I wish to say that I have heard the reading of the resolution imperfectly, but there are several questions which suggest themselves to my mind about it which I do not like to detain the Senate at this moment by stating.

I, of course, sympathize with the desire of the Senator from Montana to have the facts brought out, if there has been any personal charge made against a Senator—which, of course, an investigation will at once refute—but, instead of having the resolution adopted, I should like to have it referred to the Committee on the Judiciary, so that they can consider whether it is in the proper shape and also whether it does not properly come within the jurisdiction of a special committee or the Committee on Privileges and Elections. If the Senator does not object, I should like to have that course taken.

Mr. CARTER. The request I made was that the resolution be referred to the Judiciary Committee.

Mr. HOAR. And not that it be adopted?

Mr. CARTER. No.

Mr. HOAR. Very well; that is all I desire.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on the Judiciary.

#### PERSONAL EXPLANATION.

Mr. MONEY. Mr. President, I rise to a question of personal privilege. I send to the Secretary's desk a newspaper, from which I ask may be read the article I have marked.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read as requested.

The Secretary read from the Washington Post of Monday, December 17, 1900, as follows:

Some Senators and Members who are interested in keeping down appropriations were rather surprised yesterday, after making computations, to discover that there are claim bills aggregating \$25,000,000 favorably reported and on the Senate Calendar. There is said to be a combination of Senators back of these bills who are planning to hold up all business and force an extra session unless favorable action is assured.

These bills are principally for property alleged to have been taken or destroyed by the armies of the United States during the civil war. There is some merit in a few of them, but the great majority have been knocking about Congress for many years, and are pushed simply on account of large contingent fees, which will go to lobbyists if they become laws. The Senate is the favorite body in which to start these bills, partly for the reason that it is comparatively small, and it is easier to work up combinations of enough men interested in different measures to carry through a whole swarm, and partly because of a peculiar rule in the Senate Committee on Claims, by which any bill that has ever been reported favorably to the Senate from that committee can be reported in a subsequent Senate by a single member without consultation with his colleagues.

#### BEGUN BY SENATOR MONEY.

The first open effort to press one of these bills ahead of pending business of the Senate was made on Friday of last week, when Senator MONEY, of Mississippi, moved to take up what is known as the cotton-claims bill. It is estimated that this carries a total of \$9,000,000 in appropriations from the Treasury. He was at once antagonized by Senator LODGE with a motion that the Senate go into executive session to consider the Hay-Pauncefote treaty. Senator MONEY protested, but did not force the fight at that time, contenting



himself with serving notice that he would call up the bill at the first opportunity and that he would continue to press for an opportunity.

The evident intention of the Senators behind these claims to hold up the business of the session if they are not allowed to come to a vote was the subject of a conference yesterday between some Senate and House leaders. It was concluded that it would not be wise to allow the bills to slide through the Senate and trust to the House to hold them up, for it might be possible to make a similar combination in the House, and the mere passage of them through the Senate at this session would give them additional prestige in future Congresses. It was decided by the gentlemen who discussed the matter that the bill should be opposed to the uttermost in the Senate, even if their supporters carry out their threat to force an extra session of Congress, as the expense of an extra session and the inconvenience it would impose on Senators and Representatives would be preferable to allowing wholesale raid to be made upon the Treasury.

Mr. MONEY. Mr. President, I do not think I have ever before asked to be heard upon a question of privilege based upon anything stated in newspapers, however much I respect those avenues of communication to the public of facts and opinions. I do not call this up to point out the inaccuracies of the writer of the article or to deride the sources of his information.

There is no combination of Senators of the kind alleged, so far as I am aware, and I have so good an opinion of my colleagues from the South that I do not believe they would have any scheme to plunder the Treasury without having the kindness to let me into it.

The matter seems, though, of so much importance, according to this reporter, that the leaders of the Senate and of the House of Representatives on the other side, representing a majority in both Houses, have conferred together, and have come to the determination that all these claims are to be deferred until another Congress even at the risk of an extra session.

I have never heard that there was any combination of any sort on this side of the House to secure the passage of any measure or any one of these claims. I have never heard anybody suggest that there should be an extra session of Congress, or that these bills should be unduly forced before the Senate. I do not believe that the amount named in the article is correct; but that can be easily verified, and I therefore will not dispute it.

It should have been apparent to the reporter that this Government and no other government pays for property destroyed in war, because property destroyed in war is like property destroyed by the act of God.

The claim which I presented here, and as to which the article represents me as being the advance agent of the combination, does not consist of claims upon the Calendar at all; and it is not half the amount named in the article. According to the Secretary of the Treasury, there is only \$4,992,000 of that cotton fund in the Treasury; and I will remind the Senate in this connection, and also the talented reporter, that that is not a claim upon the Government for unliquidated damages, or anything of that kind, but it is to open the courts of the United States to adjudicate title to a trust fund, to be distributed to the owners of that fund as they can prove their ownership, and for nothing else. If the reporter had read the bill itself, he would have found section 6, added by myself and approved unanimously by the committee, which absolutely excludes everything but that class of people who owned the property, and it must be proven by the archives of the Treasury to be their share of the distributive fund. So much for that.

There is no combination to push that bill. The other day I brought it up, with no intention whatever to antagonize the pending treaty, but simply to occupy a part of the morning hour, very well understanding, as the reporter should have understood also, that the bill went with the morning hour, and no further.

I will also state that I have never disagreed to the fixing of a day for voting on that or any other measure.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. MONEY. Certainly.

Mr. SPOONER. Is the Senator a member of the Committee on Claims?

Mr. MONEY. No, sir; I am not a member of that committee.

Mr. SPOONER. Is the Senator able to say whether the statement contained in that newspaper article is correct, that there is a rule of the Committee on Claims that any member of that committee is at liberty to report, without consideration or reconsideration by the committee, any bill which had been theretofore passed or had received a favorable report?

Mr. MONEY. I have no knowledge of such a rule. There may be such a one. I do not know.

Mr. SPOONER. May I ask some member of the Committee on Claims if there is any such rule of the committee, as stated in this paper, that any member of that committee is at liberty to report, without action by the committee, a bill which has heretofore received a favorable report from that committee?

Mr. MASON. I think there is no such rule. This bill—

Mr. SPOONER. I simply want to know if there is such a rule.

Mr. MASON. I say I think there is no such rule. If I recollect aright, I reported the bill referred to from the Committee on

Claims. I am not sure that I reported it during this Congress, but I reported it in one Congress. It was reported both times after a hearing. I think the Senator from Florida who preceded the present senior Senator from Florida made the report with me in the last Congress. I joined with him in the report. I think in this Congress the report was made by the present Senator; but it was after a full hearing before the committee, and an authorization to make the report. I know of no such rule of the committee as that which has been referred to, although there may be such a rule.

Mr. MONEY. Mr. President—

Mr. SPOONER. Will the Senator from Mississippi pardon me a moment longer?

Mr. MONEY. Certainly.

Mr. MASON. I observe on page 4 of the Calendar the statement is made that the bill was reported by Mr. MASON, from the Committee on Claims, with an amendment, and subsequently another amendment was reported by the Senator from Colorado [Mr. TELLER]. That is not a correct statement, as the original report shows it was made by the junior Senator from Florida [Mr. TALIAFERRO] and myself, from the Committee on Claims, after a full hearing before the committee, and after a statement by the late Senator from Minnesota, Mr. Davis, as to the merits of the bill.

Mr. SPOONER. The Senator from Mississippi [Mr. MONEY] yields to me a moment longer.

Mr. MONEY. Certainly.

Mr. SPOONER. My question had no reference whatever to the bill which is referred to, but I wish to ask the Senator from Nevada [Mr. STEWART] if there is any rule of the Committee on Claims of the Senate such as is indicated in this newspaper statement.

Mr. STEWART. I think there is or there was a rule to this effect, that where a bill had been favorably reported and had passed the Senate at a preceding Congress, it might be reported at the next Congress, but I doubt if it has been acted on, because such a bill is usually called up in the committee and a statement made regarding it, and if no one has any objection to it, it is reported. That has been the usual habit. I believe it is understood that it is not necessary to make any investigation when a thorough investigation has been had at a preceding session. Attention is called to this fact, and if there is no objection the committee will allow the bill to be reported. That has been the practice.

Mr. TILLMAN. Will the Senator from Mississippi allow me?

Mr. MONEY. Certainly.

Mr. TILLMAN. The chairman of the Committee on Claims is absent. The Senator from Colorado [Mr. TELLER] I believe is the chairman of that committee, although there have been some changes.

Mr. MONEY. The Senator from Wyoming [Mr. WARREN] is chairman of the committee.

Mr. TILLMAN. I am told the Senator from Wyoming was the chairman at the last session. There have been some changes made in the committee. I got my information from the Senator from Colorado [Mr. TELLER]. I was trying to secure the passage of a claims bill, which I had passed through this body three times, to pay back a postmaster for money that the Government holds and which the Committee on Post-Offices and Post-Roads reported was due to this man. I approached the Senator from Colorado, when he was chairman of the committee, in regard to that bill, and inquired as to whether I should press it again. He said it had been ordered to go on an omnibus bill which was pending before this body, with a favorable report covering those claims which have been investigated by the committee and have been passed time and again.

Mr. STEWART. If the Senator will allow me, I should like to say, in addition to what I have stated, that I have been on and off of the Committee on Claims for a great many years, and there has been no change in the rule. The practice has been the same for the last thirty years at least—that is, where a bill has been favorably reported and has passed the Senate at a preceding Congress it is simply called up in committee, and if there is no objection, it is again reported.

Mr. MONEY. Mr. President, I think it necessary, perhaps, in the interest of my constituents to disabuse the minds of the Senate—

Mr. HOAR. If the Senator from Mississippi will allow me, I should like to ask the Senator from Colorado [Mr. TELLER], who is now on the floor, to state the facts about this alleged rule, if the Senator from Mississippi will allow that to be done.

Mr. MONEY. Certainly.

Mr. TELLER. I did not hear the statement which was made. If the Senator will repeat the statement, I will try to answer. I do not know what statement was made about some alleged rule of the Committee on Claims.

The PRESIDENT pro tempore. The Secretary will read it from the Washington Post.

Mr. MONEY. Just one moment. To save the reading of the



statement made in the article which has been read to the Senate from the Washington Post I will state that it was to the effect that the rule of the Committee on Claims was that a bill which had once been favorably reported to the Senate by the committee might be again reported by a member of the committee without further examination and placed upon the Calendar, or something to that effect. Then the Senator from Wisconsin [Mr. SPOONER] asked me whether or not I knew that was true, and I said I was not acquainted with the rule of the Committee on Claims and did not know whether it was true or not. The Senator from Nevada [Mr. STEWART] explained that when a bill had been once reported and passed by the Senate it could be reported again by the Senator in charge of it.

Mr. TELLER. There never was any other rule. There never has been any rule where a bill had been examined and favorably reported that it should be reexamined. We have a great many claims before the committee from time to time which have been reported sometimes adversely and sometimes favorably. We adopted a rule that where a claim had been examined by the committee and passed by the Senate a member of the committee might report it back to the Senate from the committee.

I want to say that the claim under discussion has been considered for years and years. We have passed I do not know how many bills recognizing the justice of the claims of the people whose cotton was taken. The committee thought it was not wise that this money held as a trust fund should be paid out in parcels, because it was evident that there was not enough of the money to cover all the claims. Therefore we reported this claim—to which the Senator refers as the claim he called up the other morning—in order that this fund might be distributed pro rata according to the claims that were proved up; the proposition, of course, being to send the claims to the Court of Claims, where all these matters would be adjudicated.

Mr. MASON. And that only such money would be taken as had actually been turned into the Treasury from the sale of this cotton.

Mr. TELLER. And, as the Senator from Illinois says, only so much money is to be distributed as the Government received for this cotton, which was not seized as contraband of war, but was seized on an entirely different principle. It has been recognized by every committee and practically at nearly every session of Congress that we were in honor bound to pay the money back. The only question is to whom we shall pay it.

Mr. STEWART. Mr. President—

The PRESIDENT pro tempore. This general discussion is proceeding by unanimous consent. The Senator from Mississippi [Mr. MONEY] rose to a question of privilege.

Mr. STEWART. Just a word in explanation.

Mr. MONEY. I have no wish to preclude any explanation that it may be the desire of Senators on the committee to make.

Mr. STEWART. The Government undertook to distribute the money and pay it back to the claimants through the Treasury Department. That went on for some considerable time. Congress was not satisfied with that mode of distribution, and it directed the money to be covered into the Treasury, with the understanding that some other mode of distribution should be made, so that those who had equities should all have an equal show, and that it should be sent to the Court of Claims. That was the understanding. In all cases we refuse to report individual bills, but have adhered to the theory originally adopted when the money was covered into the Treasury, that it should be held as a trust fund and distributed through the courts pro rata to those who were left.

Mr. MONEY. Mr. President, I brought this matter to the attention of the Senate first in order to say that there is no combination that I know of—and I think I would know of it if there was one—either to press forward unduly any claim on behalf of claimants from the South or to postpone any measure before the Senate, either in its executive or open session. But as the same article says that the leaders in both Houses on the majority side have thought it of sufficient importance to confer to devise some way to put down these claims, I thought that perhaps, amid this mass of inaccuracy, some truth had inadvertently crept into the statement of the reporter, and I wish to disabuse the minds of Senators of the idea that there is any desire on this side of the Chamber, so far as I am acquainted, either to postpone action on any bill pending or any future bill or to unduly press any claim whatever. Whatever comes up must have the consideration of the Senate upon its own merits.

As I say, there is no combination; and I wish still further to disclaim any relation or connection in any way between the bill which I called up the other day and any other class of claims. It stands absolutely sui generis, a trust fund. The bill was introduced by the late lamented Senator from Minnesota, Mr. Davis, who had no Southern constituency, and was reported by the Senator from Illinois [Mr. MASON], who has no Southern constituency. Those gentlemen, feeling that they were rather burdened with affairs that did not concern their constituents, requested me to call up the bill whenever opportunity presented and press for

its passage. I did so at their request, and also because my constituents were perhaps more largely interested in the bill than any others. I hope Senators on the other side will not get an erroneous impression because a newspaper reporter, in the hurry of getting his work to press by 3 o'clock in the morning, has seen fit to call upon his vivid imagination to supply his lack of facts about this matter.

#### EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and thirty-three minutes spent in executive session the doors were reopened.

#### SALARIES OF JUDGES.

On motion of Mr. HOAR, it was

Ordered, That Senate bill No. 3450, to fix the salaries of certain judges of the United States, be made a special order for Thursday, January 3, 1901, at 2 o'clock p. m.

#### HOUSE BILLS REFERRED.

The bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 12737) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

On motion of Mr. LODGE (at 4 o'clock and 50 minutes p. m.), the Senate adjourned until to-morrow, Tuesday, December 18, 1900, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate December 17, 1900.*

#### PROMOTIONS IN THE ARMY.

##### *Subsistence Department.*

Lieut. Col. John J. Clague, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, December 13, 1900, vice Weston, who vacates by appointment as Commissary-General of Subsistence.

Maj. William L. Alexander, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel, December 13, 1900, vice Clague, promoted.

Capt. George B. Davis, commissary of subsistence (major and commissary of subsistence, United States Volunteers), to be commissary of subsistence with the rank of major, December 13, 1900, vice Alexander, promoted.

#### APPOINTMENT IN THE VOLUNTEER ARMY.

##### *Forty-fourth Infantry.*

First Sergt. Ralph W. Jones, Company H, Forty-fourth Infantry, United States Volunteers, to be second lieutenant, December 15, 1900, vice Cusick, resigned.

#### PROMOTIONS IN THE NAVY.

P. A. Surg. George H. Barber, to be a surgeon in the Navy, from the 7th day of June, 1900, to fill a vacancy existing in that grade.

Samuel Sayre Rodman, a citizen of Kentucky, to be an assistant surgeon in the Navy, from the 14th day of December, 1900, to fill a vacancy existing in that corps.

John Mosley Brister, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, from the 14th day of December, 1900, to fill a vacancy existing in that corps.

#### CONFIRMATION.

*Executive nomination confirmed by the Senate December 17, 1900.*

#### PROMOTION IN THE ARMY.

##### *Infantry arm.*

Second Lieut. James Hanson, Fourteenth Infantry, to be first lieutenant, December 7, 1900.

#### HOUSE OF REPRESENTATIVES.

*Monday, December 17, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

#### PREFERENCE TO SOLDIERS IN CIVIL-SERVICE EMPLOYMENTS.

Mr. BROMWELL. Mr. Speaker, I move that the rules be suspended and House bill No. 5779, with the amendments thereto, be passed.

The SPEAKER. Is this motion made by authority of the Committee on Civil Service Reform?



Mr. BROMWELL. It is, Mr. Speaker, by authority of the committee.

The SPEAKER. The bill will be read.

The bill was read, as follows:

*Be it enacted, etc.,* That in every Executive Department of the United States Government and in each and every branch thereof, whether reached by competitive or noncompetitive examinations under the civil-service laws (in which case the rules and regulations affecting the same shall so provide), honorably discharged soldiers, sailors, or marines who served as such between April 12, 1861, and August 26, 1865, and first after the aforementioned veterans of the civil war those honorably discharged soldiers, sailors, and marines who served in the recent with Spain or in the Philippine Islands, they being otherwise qualified, shall be certified and preferred for appointment to and retention in employment in the public service and for promotion therein. Age, loss of limbs, or other physical impairment which does not in fact incapacitate shall not disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved; and persons thus preferred shall not be removed from their positions except for good cause, upon charges, and after a hearing.

SEC. 2. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. BROMWELL. I hope the gentleman from Tennessee will allow a second to be considered as ordered.

The SPEAKER. The Chair will call the attention of the gentleman from Ohio to the fact that the word "war" is omitted after the word "recent," in line 1, page 2, of the bill.

Mr. BROMWELL. I was about to insert that, Mr. Speaker. It was inadvertently omitted in making up the bill.

The SPEAKER. That, then, will be considered as one of the pending amendments to which the motion applies.

Mr. BROMWELL. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. FOWLER. There is.

The SPEAKER. The Chair will appoint the gentleman from Tennessee, Mr. RICHARDSON, and the gentleman from Ohio, Mr. BROMWELL, as tellers.

Mr. RICHARDSON of Tennessee. I did not object, Mr. Speaker; it was the gentleman from New Jersey.

The SPEAKER. The Chair thinks it is the custom to appoint the gentleman demanding tellers. However, the Chair will appoint the gentleman from New Jersey, Mr. FOWLER, and the gentleman from Ohio, Mr. BROMWELL, to act as tellers.

The House divided, and the tellers reported—ayes 67, noes 34.

The SPEAKER. A majority seconding the motion, the question now comes upon the motion to suspend the rules and pass the bill as amended, including the word "war," referred to.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to be heard in opposition.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is recognized to control the twenty minutes.

Mr. HEPBURN. Mr. Speaker, is it competent under this order to amend the bill by striking out that provision that requires written charges to be preferred and trial to be had before an employee can be discharged by the head of a Department?

The SPEAKER. It is not in order. The vote must be taken on the proposition as made by the mover. The gentleman from Tennessee is recognized for twenty minutes in opposition.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I am not sure that I desire to be recorded against the passage of this bill, because I do not fully understand it. I am unable to get a copy of the bill. I have the bill as introduced by the gentleman from Ohio [Mr. BROMWELL], but it seems that I can not get a copy of it as reported from the committee. Now, before I use any more time in opposition to the bill, I should be glad if the gentleman from Ohio [Mr. BROMWELL] would tell us what is in it, and particularly tell us how this bill as introduced affects the law as at present on the statute books.

As I understand it, soldiers and sailors honorably discharged in the late war between the States now have a preference to appointment under the civil-service law. All honorably discharged soldiers and sailors of the war between the States now have a preference to appointment to positions under the civil service. The gentleman's bill, as introduced, related alone, as I understand it, to the honorably discharged soldiers and sailors of that war; but the committee, as they have reported it, make some recommendations with respect to the honorably discharged soldiers and sailors of the Philippine war, so called. Now, I do not understand exactly what that provision is.

Mr. BROMWELL. Mr. Speaker, the object of the bill as originally introduced—

Mr. RICHARDSON of Tennessee. I should be glad if the gentleman would tell us how his bill, as he offers it, affects the old law and how the amendment applies.

Mr. BROMWELL. I will do so with pleasure. Mr. Speaker, the object of the bill as originally introduced by me—which I will say was the bill prepared by the Grand Army of the United States and is favored by them—was to extend the law as it now exists, which gives a preference to those soldiers and sailors of the civil

war who were separated from the service on account of wounds or disease and who now, under the operations of the civil-service law, have a preference, so as to cover all soldiers and sailors of the civil war without respect to those disabilities. In other words, to extend it to any honorably discharged soldier or sailor of the civil war.

The thought in the mind of the committee being that this provision ought not to be limited to soldiers and sailors of the civil war, the committee amended the bill by making it apply also to the honorably discharged soldiers and sailors of the Spanish war and the war in the Philippines.

The argument in favor of the extension of this preferential provision is this: Whereas the present law provides for those who are discharged on account of wounds or disease, the proposed amendment, it is thought, will give a more capable class of men who are equally deserving an opportunity for this preference. In other words, instead of limiting the appointments to those who are lame and maimed, or who are suffering from the effects of disease contracted in the service, this amendment extends it so as to get into the service on preferential appointment those who are probably better able physically and mentally, and particularly physically, to perform the duties of the various positions.

Now, so far as the amendment is concerned extending the preference to the soldiers and sailors of the Spanish war, gentlemen will understand the reason for that. When this war broke out a great many of our best young men all over the country enlisted in the Army.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. BROMWELL. Certainly.

Mr. TALBERT. Does this bill excuse old soldiers and sailors from the civil service rule—exempt them from any examination?

Mr. BROMWELL. It does not, and the bill specifically provides that it shall apply to those who now either take the examination on a noncompetitive basis or to those who take the examination on a competitive basis. The gentleman will understand, of course, that there are some positions for which noncompetitive examinations are given. There are other positions for which competitive examinations are required. This bill does not make any difference in the existing law in that respect. Those who apply for positions in the competitive service will be required, as heretofore, to take the examination. As the law now stands, a soldier of the civil war who was separated from the service by reason of wounds or other disabilities is given an examination.

If he attains a percentage of 65 in that examination, he is given preference over others examined, so that there is no difference in that respect from the present law and that proposed in this amendment. The only thing is that it extends the class of those who may have this preference from those who were disabled by wounds or disease and separated from the service on that account, and takes in all sailors and soldiers, whether disabled or not, and it also extends the preference to the sailors and soldiers of the Spanish war and the war in the Philippines upon exactly the same basis. In other words, if they apply for a position that is to be filled by noncompetitive examination, this gives them the preference after such examination; if they apply for a position to be given under competitive examination, they are to take that examination and are given the preference if they attain the required percentage.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me a moment?

Mr. BROMWELL. Certainly.

Mr. RICHARDSON of Tennessee. I do not like the idea of making a discrimination. Why did not the committee include the Mexican soldiers, as they are certainly as worthy of recognition as those who are engaged in the war in the Philippines, or the war in Cuba, or any other war. Would not the gentleman ask unanimous consent to amend the bill so that it should include all the soldiers of all the wars of the United States? Why should not they be put on an equal footing?

Mr. BROMWELL. Well, I will say that it is not likely that there are any survivors of the Mexican war, or any great number of them, who would be able to take clerical service now.

Mr. RICHARDSON of Tennessee. I think not, myself; but I dislike to see a discrimination made. They ought to be put on the same footing. In this era of good feeling and era of peace and brotherly love the soldiers of all the wars ought to be put on the same footing, not only of the wars that have passed, but if we have any more; and I think it would be well to make the provision, if it applies to any, apply to all.

Mr. BROMWELL. The same reason that there was for the preference bill over twenty years ago applies to-day. It was to give a preference to a certain class of soldiers and sailors in the United States service. The present law did not go back to take in survivors of the Mexican war, and there is no more reason now and really less reason, as those survivors are older and less capable of filling public office.



Mr. BINGHAM. Will the gentleman permit me to make an inquiry?

Mr. BROMWELL. Certainly.

Mr. BINGHAM. Why do you fix August 26, 1865, as the date upon which your benefactions shall apply?

Mr. BROMWELL. Because that was supposed to be the close of the civil war.

Mr. BINGHAM. I think the courts have ruled that the close of the war was in August, 1866. I myself was not mustered out until the 2d of July, 1866, and they have adopted a rule that recognizes August, 1866, as the final conclusion of the war of the rebellion. I merely make that inquiry of the gentleman.

Mr. BROMWELL. In answer to the gentleman, I will say that this bill was prepared under the direction and with the approval of the Grand Army of the Republic of the United States, and we have it precisely in the same form as they offered it.

Mr. BINGHAM. You will find upon inquiry that the official declaration of the department or courts somewhere fixes the date of the end of the war as August, 1866.

Mr. BROMWELL. Most of those who were discharged after that date had service between the two dates in this bill, and by fixing it at the first date those who received their discharge shortly afterwards probably had seen service prior to the last date of the bill.

Mr. LACEY. Let me suggest this to my colleague: There are a number of decisions fixing the date for the termination of the war, and consequently the committee in fixing it put it closer to the end of actual hostilities, so that those who served prior to that time must have taken some part in the civil war, while others, enlisted later on, while technically they might have been in the service prior to the end of the war, were not intended to be covered by this resolution. As to the soldiers of the Mexican war, the youngest of them now would be not less than 72 years of age.

Mr. BROMWELL. There is no question about that.

Mr. WHEELER. I would like to ask the gentleman a question.

Mr. BROMWELL. Certainly.

Mr. WHEELER. In your amended bill do you not say that a man must not be discharged except after a trial upon written charges?

Mr. BROMWELL. That is in the bill as reported.

Mr. RICHARDSON of Tennessee. It is not in the original bill, I will say to the gentleman.

Mr. BROMWELL. No; it is not upon written charges; it is upon charges.

Mr. WHEELER. Whether written or oral?

Mr. BROMWELL. Either.

Mr. WHEELER. What is the object of requiring trial before the discharge of the clerk, which is put in on this bill, when it is not required for the ordinary clerk in the departments?

Mr. BROMWELL. The object is to prevent the head of any department from summarily discharging the old sailor or old soldier without cause.

Mr. WHEELER. Who is to be the judge of that cause? Who is to conduct the trial?

Mr. BROMWELL. That will be a matter of regulation after the bill is enacted into law.

Mr. WHEELER. You can not say that a trial shall be had without lodging authority in some one to conduct the trial. You are putting men in there, it seems to me, under favor, and putting them above their superiors. If they are incompetent in the judgment of their superior, he can not dismiss them; he can not discharge them.

Mr. MOODY of Massachusetts. If the gentleman will allow me, let me suggest that this is practically the rule which all persons in the civil service are now under. Although the language is not quite the same about the other employees, in practice they require charges and give them an opportunity to be heard.

Mr. WHEELER. Oh, yes; but that is a rule that is never observed.

Mr. MOODY of Massachusetts. Yes; it is observed very carefully.

Mr. WHEELER. Now, just a moment, if the gentleman from Ohio will pardon me. I would like to ask the gentleman this question: Do you not authorize the appointment of an old soldier either of the civil or the Spanish war to some place under the Government when he does not attain the same degree of efficiency as the civilian is required to attain?

Mr. BROMWELL. That is the present law. The present law requires the old soldier or sailor of the civil war who was separated from the service by reason of wounds or other disability—it requires that he shall attain a percentage of 65 to be placed on the eligible list and certified for appointment, while a person who is not a soldier or sailor is required to obtain 75 per cent.

Mr. WHEELER. What is the object of this bill?

Mr. BROMWELL. This is to extend the class to those who are honorably discharged from the service, but who were not separated by reason of wounds or other disabilities.

Mr. WHEELER. But you do not require any 65 per cent.

Mr. BROMWELL. Most certainly; the law is not changed in that respect. It says:

That in every Executive Department of the United States Government and in each and every branch thereof, whether reached by competitive or noncompetitive examinations under the civil-service laws (in which case the rules and regulations affecting the same shall so provide), honorably discharged soldiers, sailors, or marines who served, etc.

It leaves the law in precisely the same respect that it is now.

Mr. WHEELER. I will say to the gentleman from Ohio that I think the suggestion a good one, to give the preference to honorably discharged soldiers and sailors of these wars; but I object seriously to giving them the preference over civilians who obtain a higher grade. You should not take the dolt and prefer him to the bright young man simply because the dolt has been a member of the Army or Navy.

Mr. CLAYTON of New York. Mr. Speaker—

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. BROMWELL. I will yield to the gentleman from New York.

Mr. CLAYTON of New York. Mr. Speaker, referring to the one question that has been raised here about whether an examination is required, I would like to say that this law is practically the same as the one in operation in New York State, and has been for some time. It does not lower the standard of our civil service in any way whatever. It simply provides that when two men pass the required examination (and the percentage can be placed as high as is necessary for the efficiency of the service), and when one of them is an honorably discharged soldier of one of the wars, he shall have the preference over the other man who is not a soldier or sailor, although the paper of the latter may be a little higher. It does not appoint any man to office who is incompetent; and as far as the discharges are concerned it requires the head of the department to prefer charges and be able to give the reason why he discharges the old soldier. It is a provision that has been found to be a wise one, and has protected the old soldiers in New York State. I believe these provisions in behalf of the old soldiers which have been extended by a State government ought to be extended by the General Government in whose behalf the service was performed which entitled them to preference.

Mr. LIVINGSTON. Will the gentleman from Ohio allow me a question?

Mr. BROMWELL. I will.

Mr. LIVINGSTON. Will the gentleman submit to an amendment on page 2, where it says: "business capacity necessary to discharge?" Now, on page 1, the language is this: "Age, loss of limb, or other physical impairment which does not in fact incapacitate shall not disqualify them, provided they possess the business capacity necessary to discharge the duties," etc. I want to add: "and physical ability to perform the duties." You do not want men in there as clerks who have no physical ability to perform the duties.

Mr. BROMWELL. I should say the man who had the business capacity necessary to discharge the duties would have the physical ability.

Mr. LIVINGSTON. I think a man might have the business capacity and yet be physically incompetent to discharge his duty.

Mr. BROMWELL. The language of the bill is "which does not in fact incapacitate." Why, then, the necessity for the provision which the gentleman suggests?

Mr. LIVINGSTON. It seems to me you have an inconsistency in your bill.

Mr. BROMWELL. Not at all. If there should be such age, loss of limb, or other physical impairment as does in fact incapacitate, the person could not go upon the eligible list. If "age, loss of limb, or other physical impairment does not in fact incapacitate," the person may go on the eligible list. What, then, is the necessity for the amendment suggested by the gentleman?

Mr. LIVINGSTON. Why, then, make this statement, that "age, loss of limb, or other physical impairment which does not in fact incapacitate does not disqualify?" That is the proposition of the bill.

Mr. BROMWELL. Certainly.

Mr. LIVINGSTON. What is the need for that provision?

Mr. BROMWELL. Suppose the gentleman should apply for a position as a messenger and had no limbs upon which to go around, or had only one limb; or suppose he should apply for a position as clerk and had lost both arms. There are other positions to which he might be eligible, but not that particular one, because the physical disability would disqualify him by reason of the character of the service required.

Mr. LIVINGSTON. This bill simply means, to my mind, to take in the whole of the soldier element without any disqualifying clause whatever. It means simply a civil service pension to the old soldiers. That is the end and the object.

Mr. BROMWELL. There is no service pension provided in the bill. On the other hand, the very object of this bill is to give to



the old soldiers who are liable to be pensioners upon the Government an opportunity to render service and earn their living instead of being objects of charity.

Mr. LIVINGSTON. The gentleman is aware of the fact that all of this very class of soldiers are already pensioned.

Mr. BROMWELL. Not all. This bill extends a preference to those who are not already pensioned and who are not incapacitated by reason of wounds or other disability.

Mr. LIVINGSTON. Why not include the soldiers of the Mexican and Indian wars?

Mr. BROMWELL. Because the question of the Mexican war and the Indian wars is one that probably was not taken into account when the original bill was passed. At any rate, the survivors of those wars are now undoubtedly too old to render efficient service.

Mr. BINGHAM. The general law pensions all soldiers of the Mexican war.

Mr. LIVINGSTON. But only at the rate of \$8 a month.

Mr. BROMWELL. I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I wish to inquire of the gentleman having this bill in charge to what extent this preference operates. As I understand the matter, under the present law a discharged soldier or sailor who passes at 65 in a competitive examination goes upon the eligible list. Are we to understand that when he is thus placed on the eligible list he has a preference over all civilians on the eligible list regardless of the percentage at which they passed the examination?

Mr. BROMWELL. I will say to the gentleman that that is the present law as to those who are now given this preference.

Mr. MONDELL. I understand, then, that if this bill passes all those who have served in any of the wars mentioned, when placed on the eligible list, pass immediately to the top of that list, and therefore, so long as there is on any eligible list of the civil service any man who has ever served in any of these wars, no civilian on that list can receive an appointment to the civil service. Is that true?

Mr. BROMWELL. I will say to the gentleman that that is the case. That is what this bill provides for.

Mr. MONDELL. Well, Mr. Speaker, it seems to me that that is questionable policy.

The SPEAKER. The time of the gentleman from Ohio [Mr. BROMWELL] has expired. The gentleman from Tennessee [Mr. RICHARDSON] is recognized.

Mr. RICHARDSON of Tennessee. I understand that the gentleman from Massachusetts [Mr. GILLET] desires recognition. I yield him five minutes.

Mr. GILLET of Massachusetts. Mr. Speaker, I am surprised that this bill comes up now; because the gentleman from Ohio [Mr. BROMWELL] was not authorized by the committee to bring it up, but another member of the committee, with whom I had an arrangement that it should not be brought up without notifying me. Consequently I do not think the bill is properly before the House.

Mr. BROMWELL. Let me ask the gentleman a question. He has made a pretty broad charge; and I wish to ask him who is the gentleman who was authorized to bring up this bill?

Mr. GILLET of Massachusetts. Mr. LANDIS, of Indiana.

Mr. BROMWELL. I will say that on Saturday—

Mr. GILLET of Massachusetts. The gentleman's statement must not come out of my time.

Mr. BROMWELL. I want to correct a misstatement of the gentleman, which is entirely unauthorized.

The SPEAKER. Does the gentleman from Massachusetts yield?

Mr. GILLET of Massachusetts. No, sir.

The SPEAKER. The gentleman declines to yield.

Mr. GILLET of Massachusetts. This bill provides exactly what the gentleman from Ohio has just said—that so long as there is on the civil-service roll a veteran of any war no civilian upon that list can receive an appointment under this Government. So far as concerns the veterans of the civil war, it does not seem to me that that matter is very important in its effect upon the service, although, of course, just now when we are criticising our civil service because it has in it so many aged men, this provision opens the way for that very class of men to fill up the positions. But I do not think there are a great many who can avail themselves of the provision. To me the dangerous feature of this bill is that every veteran of the late war—every member of the Regular Army or the Regular Navy who is in service to-day or who served in the war with Spain—is entitled at any time, if he can pass the examination, to go right to the top of the list.

Now, there were about 225,000 volunteers who were engaged in the late war. There are a hundred thousand men now in the service. There are going to be 35,000 more as soon as the volunteers come back this spring and regulars are enlisted to take their places. Thus there are about 300,000 men who will be entitled to this preference just as soon as they get on the roll. And that

means, Mr. Speaker, that no civilian for a great many years to come is going to get on that roll.

Now, if that is not class legislation, I would like to ask what it is. Of course we naturally, all of us, have a tendency to vote in favor of a bill which some one class favors, because we know that that class is unanimously in favor of it, while the great bulk of the people affected unfavorably do not care, perhaps, much one way or the other. But in this case it strikes from the service of the Government, perhaps for many years to come, the whole bulk of the people and puts the military class in the service.

In the seventeen years since the civil-service law was passed less than 70,000 persons have been appointed under it, and less than 20 per cent of the persons examined have succeeded in getting places. How many persons, outside of the 300,000 young soldiers, will succeed in getting places in the next seventeen years if this bill should become a law?

I agree that gratitude is due to all the soldiers of the Republic, but I do not think that this is the way to express it.

During the civil war thousands of men undoubtedly enlisted on both sides—North and South—from a pure sense of duty, because they thought their country was in danger and their services were needed, and many of them, with a noble self-sacrifice, gave up their ambitions and their happiness for the purpose of entering the service. But I do not think the same holds true, as a rule, with reference to the regular. He does not enlist from the same consideration and is not entitled to be placed in the same category. He likes the service; he is not enlisting from a love of country or a sense of duty, but from free choice and preference. It is his business, his profession.

I do not think that the regular soldier, as a rule, goes into the Army because of the reasons that influence the majority of the volunteers, who leave their homes and their farms and give up all that they have in life to bear their share of the burdens of the country. But the regular takes his choice. And the same applies, although in a less degree, to some of the soldiers of every war, particularly a short and one-sided war. Where a man has risked his life for his country, sacrificing his home and his preferences to do so, nothing, in my judgment, is too great as a reward for him. But where a man goes in as a business, because he likes the service and proposes to make it his constant occupation, I do not think he is entitled to the preference in the civil service which might properly be given to the other class.

Then, again, there is the pension to which the soldier is entitled. That is a better method of compensation than making the civil service of the Government open only to one class rather than to all the people. The regular soldier is entitled to support by the Government as long as he lives. Why, at the same time, then, would you put him at the top of the civil list? It seems to me that this legislation is careless and unfair, that it is drawn undoubtedly with good intent, but it is not prepared in such form as should meet the approval of the House, and that it would be for the benefit of a large class who already have certain privileges and benefits to the detriment of the masses of the people of the country. Our civil service should not belong to any one party or to any one class, but should be open to all the people, and selection and promotion should be made by merit and not by favor.

The SPEAKER. The time of the gentleman has expired.

Mr. BROMWELL. Mr. Speaker, I would like to have one minute, with the consent of the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I have promised to yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am certainly favorable to any kind of legislation that is for the benefit of the persons named in this bill, but I am not in favor of the legislation proposed here. I do not believe that anybody has the right to speak for those men who might be benefited by this law, and say that he represents them.

I do not believe that those men who served between 1861 and 1865, or the masses of them, ask for this legislation. It is most inequitable and unjust, and it enters the Government upon a new order of things.

If I read the bill aright it gives to one of these beneficiaries, as a right, the right to promotion, for instance. That becomes a vested right. If it is of value, does it not introduce at the same time the disorder of a mandamus proceeding against an officer of the Government, to compel him to make promotions under the terms of the law?

Again, under the terms of the bill the right to retain the position becomes a vested right, a thing of value, because there is a provision here that there shall be no ouster at all without written charges and a hearing. Now, if the right is worth \$20, under the Constitution of the United States does not the bill provide for a trial by jury before you can dispossess the appointee? Imagine conditions of that kind in the various Departments under the civil service of the United States. What kind of discipline could be maintained by the Secretary, the chief, or the head of a bureau or division, when a man claims to hold a tenure of office so firmly



that there could be no ouster until after a hearing, examination, or trial of that kind? I do not understand what the object can be. Under the law as it is to-day preference is required in matters of appointment, other things being equal, to the old soldier. I believe that is all that the worthy old soldier asks, and therefore I am opposed to this legislation.

I yield the balance of my five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I greatly desire the passage of some legislation upon this subject, but I join the gentleman from Iowa [Mr. HEPBURN] in the criticisms which he has made, and I hope that the committee, or the gentleman in charge of the bill, as the case may be—for I understand this is individual suspension day, and therefore the question whether the committee authorized the presentation of the bill here this morning or not does not enter practically—I hope the gentleman will withdraw this bill and amend it or suffer it to be amended in the House at this time.

Mr. RICHARDSON of Tennessee. I yield two minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I wish to ask the gentleman from Ohio why a preference is given between the soldiers and sailors of the United States in favor of those of the war of 1861 over those of the Spanish and Philippine controversy?

Mr. BROMWELL. The reason is this: The bill as originally introduced had no reference at all to the soldiers of the Spanish war. It was intended to extend the class of the civil-war soldiers to whom this preference should be given, and, in spite of what the gentleman from Iowa [Mr. HEPBURN] says, I will say that this bill is, to a great extent—in fact, altogether—an official bill, prepared and presented under the auspices of the Grand Army of the United States. It was advocated by a committee of the Grand Army, and the posts all over the United States have largely indorsed and approved this bill and requested its passage. Now, as I say, it was originally limited to soldiers and sailors of the civil war. Then a suggestion was made in the committee that the bill be extended to include the soldiers and sailors of the Spanish war, and the committee agreed to that amendment.

Mr. SIMS. But why make a preference between them, if they stand on the same ground?

Mr. BROMWELL. For the reason that they now have a preference, and the only preference over all others, whether military or civil.

Mr. SIMS. Then it was not that the committee regarded service in the Spanish or Philippine war as less worthy of favorable consideration than service in the other war?

Mr. BROMWELL. Not at all. It was to take care of these old veterans first, and then the younger men of the Spanish war and the Philippine war.

Mr. SIMS. But this will be permanent law, and after awhile the others will be reached.

Mr. BROMWELL. Certainly they will.

Mr. RICHARDSON of Tennessee. I yield two minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, in my opinion this is a just and a meritorious bill, and I am heartily in favor of it and hope it will pass. Every Grand Army post in my district has written to me and requested me to favor it and vote for it. I shall do so. I have also received a number of letters from soldiers and sailors urging the passage of this measure. I concur in all that the gentleman from Ohio [Mr. BROMWELL] has said, and I differ radically and dissent from the statements made by the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Iowa [Mr. HEPBURN]. This bill seeks, in a small way, to recognize and reward the valor and the patriotism of the soldiers and sailors of our country. I believe these brave men are entitled to that recognition. I believe they should have a preference. It is right. I have always favored giving some preference to the soldiers and the sailors who fought for their country.

In my judgment this bill does not go far enough. I would extend its provisions. In the State of New York we have a law somewhat similar to this, but which goes much further. Under that law the soldiers and the sailors of the Union are entitled to much more, and I know of no one who objects to the justice of that law.

I trust that this House will pass this bill. It ought to pass unanimously. I want to say here and now that I am, always have been, and always will be in favor of doing all in my power for the brave and heroic soldiers and sailors of the Union. Gratitude to them for what they have done compels me to give my assent and my vote to this bill, and I appeal to all here to vote in favor of it.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. How much time is left of my twenty minutes?

The SPEAKER. Six minutes.

Mr. RICHARDSON of Tennessee. I yield two minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Speaker, I am opposed to this bill because I am opposed to the creation of a military caste for the government of a free country. If the soldiers fight for anything, they fight to maintain our institutions, the fundamental principle of which is equality. I believe in showing them every recognition that can fairly be asked. I believe in a liberal system of pensions; but I believe also that every citizen should have an equal right to participate in the government of the country, whether as a part of the civil service or in voting. The civil-service rules are designed to ascertain the fitness of candidates for positions in the departments. If those rules are not wise, are not adapted to the end in view, they should be repealed or changed. If they are to be continued, they should have a uniform general application. It seems to me this bill casts a slur upon the intelligence of the soldier who is able to compete with the civilian for a chance to take a share in the government of the country.

Mr. RICHARDSON of Tennessee. I yield two minutes to the gentleman from Georgia [Mr. FLEMING].

Mr. FLEMING. Mr. Speaker, some of the gentlemen who oppose this bill are known to the House and throughout the country as being opposed to the civil service itself, and desire to abolish it. As for myself, I am in favor, and always have been, of an efficient civil service for the Government; and I think it fortunate, therefore, that men who are opposed to the civil service, whose names I need not call, and some who are in favor of the civil service, such as the gentlemen from Massachusetts, both of whom have spoken, and some of us on this side of the Hall, can unite in opposition to the passage of this bill.

Mr. Speaker, the only effect of this measure upon the public service will be to render it more inefficient than it is. It can have no other effect.

Now, as the gentleman from Massachusetts said, the men who risked their lives and their fortunes in a fierce and bloody war, men who met upon battlefields where thousands were slain, as was the case in our civil war, may deserve that some exceptional rule be applied to them. But while those may be comparatively few who could come in from the civil war and take position at the head of the eligible list, if you open the gate wide and put in the whole roster of the Regular Army and the Volunteer Army in the Spanish war and the Philippine war, and all other wars we have had or may have in the future, as the general purpose of this bill seems to indicate, what is to become of the civil service? The efficient men from civil life will be driven out of the civil service, and we will have a military caste built up on account of war service.

Our nation is the most liberal on the face of the earth in the matter of pensioning soldiers. We provide liberal pensions for all who have lost their health or limbs in the service of their country, and also for those who are simply dependent. If this bill is passed it will destroy the efficiency of the civil service.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield the remainder of my time to the gentleman from New Jersey.

Mr. FOWLER. Mr. Speaker, when this bill was before the committee it was considered that now the old soldiers who are not suffering from physical disabilities had reached so small a number that possibly it might be wise to include them in this list, and that is the view urged by the old soldiers themselves. It was while we were discussing this very proposition with a view of its adoption that it was suggested that the soldiers of the recent war should also be included; and under a sentimental impulse, by a mere majority, they, too, were made legislative beneficiaries, although it has been conceded by everybody that for the last twenty-five or thirty years no such thing should be done with regard to the soldiers of the civil war, and never had been done, because unwise. Now the effect of this bill would be this: Every man that has been in the Regular Army, or any man who has been in any way connected with the Volunteer Army and honorably discharged, shall go to the head of the list if he shall obtain 65 in an examination. In other words, for the next fifty years the American youth of the land are to be excluded from the civil service simply because 250,000 or 300,000 men have enlisted in the recent war. The result of that would be to make the civil service a great charitable institution instead of the efficient public business institution that it ought to be. [Applause.]

The SPEAKER. The time for debate is exhausted. The question is on suspending the rules and passing the bill as amended.

The question was taken.

The SPEAKER. The Chair is unable to decide.

Mr. BROMWELL. Division, Mr. Speaker.

The House divided; and the Speaker announced the affirmative vote as 49.

Mr. SULZER. The yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-five gentlemen have arisen. The Chair requests the other side to rise and remain standing until counted. [After counting.] One hundred and twenty-three gentlemen have arisen, and the yeas and nays are refused.



Mr. BROMWELL. A parliamentary inquiry. Were there not 25 votes?

The SPEAKER. Twenty-five yeas, and 123 against it. Those opposed to the passage of the bill will rise and remain standing until they are counted. [After counting.] One hundred and five opposed. On this question the yeas are 51; the noes are 105; two-thirds not having voted in favor thereof, the motion to suspend the rules and pass the bill is lost.

#### URGENT DEFICIENCY BILL.

Mr. CANNON, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901.

Mr. CANNON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill in the House.

Mr. RICHARDSON of Tennessee. Now?

Mr. CANNON. Yes; it is a very short bill.

Mr. RICHARDSON of Tennessee. Any new legislation?

Mr. CANNON. No; if there is, it can go out on a point of order.

Mr. RICHARDSON of Tennessee. I think I will reserve all points of order.

Mr. GIBSON. May I ask the gentleman from Illinois how long a time this will consume?

Mr. CANNON. I should think it might pass in ten minutes; perhaps five.

Mr. MIERS of Indiana. Mr. Speaker, how will this affect the special order for to-day?

The SPEAKER. If the gentleman from Illinois is correct, it will take ten minutes out of the time. The gentleman from Illinois, chairman of the Committee on Appropriations, asks for the present consideration of the bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill at length.

Mr. CANNON. Now, Mr. Speaker, I ask for a vote on the bill.

Mr. UNDERWOOD. Before that vote is taken, Mr. Speaker, I would like to ask that the Clerk may read again that provision which provides for an additional assistant attorney in the attorney's office for the District of Columbia.

The SPEAKER. Without objection, the Clerk will again report that part of the bill.

The Clerk again read the provision.

Mr. UNDERWOOD. I would like to ask the gentleman from Illinois if that provision is so drafted as that the office shall cease at the end of the year?

Mr. CANNON. The appropriation is only for the balance of the fiscal year. It does not create any office beyond the terms of the appropriation.

Mr. LITTLE. I desire to inquire the necessity for the provision postponing the opening of the Kiowa, Comanche, and Apache Reservation for eight months?

Mr. CANNON. I will say, as I recollect it, that the law ratifying that treaty provided it should be opened and allotments should be made in six months, but there was no appropriation made for that purpose. There is an appropriation for allotments generally at Indian reservations, and \$10,000 was utilized by the Secretary of the Interior for that purpose, but it fell short \$75,000. It was impossible to do this until the allotments shall first be made and surveys made and provided for, and therefore it necessitated the extension of the time eight months.

Mr. LITTLE. Do I understand it will require eight months to complete the work and make it ready?

Mr. CURTIS. The Secretary of the Interior says that he does not think it will take that time, but he wants to make sure that there will be time enough. He will complete it as soon as possible.

Mr. CANNON. This is an item placed in the bill after somewhat of an investigation by the Committee on Appropriations, but very largely upon what purported to be a thorough investigation by the Committee on Indian Affairs and the transmittal of a recommendation from that committee for this appropriation.

Mr. STEPHENS of Texas. This extension begins from the 6th of December and runs eight months. That would make it the 6th of August that the country must be open for settlement.

Mr. FLYNN. This is the identical provision that the Committee on Indian Affairs recommended.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### JUDICIAL DISTRICTS IN KENTUCKY.

Mr. SMITH of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 971) to divide Kentucky into two judicial districts.

The Clerk read the bill, as follows:

*Be it enacted, etc., That section 531 of the Revised Statutes is hereby amended by striking therefrom the word "Kentucky."*

SEC. 2. That the State of Kentucky is divided into two judicial districts,

which shall be called the eastern and the western judicial districts of the State of Kentucky. The eastern district includes the counties of Carroll, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Garrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, Harrison, with the waters thereof. The western district includes the residue of said State of Kentucky, with the waters thereof.

SEC. 3. That the district judge of the judicial district of Kentucky as heretofore constituted, and in office at the time this act takes effect, shall be the district judge for the western judicial district of Kentucky as constituted by this act. That the clerk of the circuit court and the clerk of the district court in said judicial district of Kentucky as heretofore constituted, and in office at the time this act takes effect, shall be the clerks of the circuit and district courts of the western judicial district of Kentucky, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified. The district attorney, assistant district attorneys, marshal, deputy marshals, deputy clerks, and referees in bankruptcy resident in said western judicial district of Kentucky as constituted by this act shall, within their respective jurisdictions in said western judicial district, continue in office and continue to be such officers in such western district until the expiration of their respective terms of office as heretofore fixed by law, or until their successors shall be duly appointed and qualified.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the eastern judicial district of Kentucky, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said eastern judicial district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within the said eastern judicial district as are now possessed by and performed by the district judge for the district of Kentucky.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the said eastern judicial district of Kentucky as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively.

SEC. 6. That all other officers residing within the eastern judicial district of the State of Kentucky, as hereby constituted, shall cease to be such officers when their successors are appointed and qualified.

SEC. 7. That the office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said two districts and the provisions of this act, and all vacancies created hereby in either of said districts as constituted by this act, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of Kentucky as heretofore constituted.

SEC. 8. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Kentucky as heretofore constituted whereof the courts of the eastern judicial district of Kentucky as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted shall be, and are hereby, transferred to and the same shall be proceeded with in the eastern judicial district of Kentucky as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Kentucky as heretofore constituted whereof the courts of the western judicial district of Kentucky as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted shall be, and are hereby, transferred to and the same shall be proceeded with in the western judicial district of Kentucky as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said western judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted, and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said judicial district of Kentucky as heretofore constituted in which the evidence has been taken in whole or in part before the present district judge of the judicial district of Kentucky as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said western judicial district of Kentucky as constituted by this act.

SEC. 9. That the regular terms of the circuit and district courts of the United States for the western district of Kentucky shall be held at the following times and places, namely: At Louisville, beginning on the third Monday in May and the first Monday in December in each year; at Owensboro, beginning on the fourth Monday in January and the first Monday in June in each year; at Paducah, beginning on the first Monday in April and the third Monday in November in each year; at Bowling Green, beginning on the third Monday in April and the second Monday in October in each year.

That the regular terms of the circuit and district courts of the United States for the eastern district of Kentucky shall be held at the following times and places, namely: At Frankfort, beginning on the first Monday in January and the second Monday in June in each year; at Ashland, beginning on the first Monday in October and the second Monday in April in each year; at Covington, beginning on the second Monday in May and the first Monday in December in each year; at Richmond, beginning on the second Monday in September and the fourth Monday in March in each year; at London, beginning on the fourth Monday in January and the fourth Monday in June in each year.

SEC. 10. That the terms of said courts shall not be limited to any particular number of days nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

SEC. 11. That nothing in this act shall be construed to repeal section 578 of the revised statutes or the act of August 8, 1888, entitled "An act to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensboro, in said district, and for other purposes."

SEC. 12. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.



SEC. 13. That all laws and parts of laws, so far as inconsistent with the provisions of this act, are hereby repealed.

SEC. 14. That this act shall take effect on the 1st day of July, 1901.

Mr. PAYNE. Mr. Speaker, I ask for a second.

Mr. SMITH of Kentucky. May I ask the gentleman if he will consider a second as ordered?

Mr. PAYNE. I have no objection to the second being considered as ordered.

Mr. SMITH of Kentucky. Mr. Speaker, it is proposed by this bill to divide the State of Kentucky into two judicial districts. Kentucky was the first State admitted into the Union—June 1, 1792—with then a population not exceeding 100,000 people. For more than one hundred years that State has been compelled to be contented with one judicial district, while every State that touches its border, with the exception of West Virginia (long since formed into a State) has at least two judicial districts, and one—the State of Tennessee—three districts.

The average population to a judicial district, taking the entire Union, is less than 1,000,000 people. In Kentucky, by the recent census, there are 2,147,174 people. From its extreme northeastern point to its extreme southwestern border the State is about 500 miles long, and the average width is something near 100 miles, constituting an area of about 40,000 square miles. The eastern one-third of that State is a mountainous region, rich in timber and mineral resources. Foreign capital has gone to that section, various kinds of improvement companies have been organized there, and there is a systematic development going on all through that section of the State. In eastern Kentucky there is perhaps the finest coal that is to be found anywhere within the Union. Certainly its timbers are not excelled anywhere in any of the States.

Many of the land titles there are held under grants from the State of Virginia, and this of necessity brings about litigation which is cognizable in the Federal courts. An examination of the Attorney-General's report—the last one I have been able to get hold of, that of June 30, 1899—shows the fact to be that the district judges in Kentucky have been very energetic upon the bench. As many cases have been disposed of there by the one court as in many of the States that have two or three judicial districts; yet, with all that, there are as many cases pending now upon the dockets of the various courts of that State as are found in most of the States that have two or three judicial districts. Such an examination shows that Kentucky, with its one judicial district, has more civil cases pending upon its dockets than Alabama, with two districts; as many almost as Arkansas, with two districts; more than Florida, with two districts; more than Iowa, with two districts; more than Mississippi, with two districts; as many as Missouri, with two districts; as many as Tennessee, with its three districts and two judges, and almost as many as Virginia and Wisconsin.

The total number of cases, criminal and civil, make an equally favorable showing for the proposition to divide the State into two districts; and candor requires me to say that, considering the present condition of the dockets in that State, I do not believe it will be possible for one judge ever to work the docket to the point that cases brought in the Federal court can be determined within any reasonable time after they are instituted.

As I said a while ago, all our neighboring States have two districts. Kentucky is in the sixth circuit, I believe, and every State in that circuit except Kentucky has now two judicial districts. We feel that there is a pressing necessity for an additional judicial district in that State; hence we come and ask Congress to divide the State into two districts, as provided in this bill.

Mr. PAYNE. Mr. Speaker, I have before me a table (being a part of a report prepared upon another bill) showing the number of criminal cases on the docket in each district of the United States. By this report it appears that in the State of Kentucky for the year 1897 there were 50 criminal cases on the docket; in 1896, 99 cases; in 1895, 109; and in 1894, 82. It would not seem that the criminal business there requires two judges to take care of it.

I understand that the present judge down there thinks that he can do all the business, although while he was a member of Congress he submitted a statement or brief in favor of having two districts in Kentucky. I think that the sensible way in all these matters would be to divide a judicial district into subdivisions as we do in respect to our State courts.

In many States where a district embraces a number of counties the judge goes around, holding court in each county for the cases arising there. In this way witnesses have only a short distance to travel from their homes in order to attend court; thus there is no great expense in that respect. The same thing should be done in regard to the business of our United States courts, so that instead of dragging a party or witness or attorney, at great expense, from one end of the State of Kentucky to the other, or from one end to the other of any large district, cases might be tried within the locality where they originated. Of course if we are to continue our present clumsy system, it is asking a good deal of

litigants to take the witnesses from one end of a large State to the other, especially if it is a mountainous State. I have a great deal of sympathy for parties so situated, and would be glad to see the expense and annoyance in such cases reduced.

Mr. WHEELER. The gentleman from New York [Mr. PAYNE] has suggested a point to which I wish to direct his particular attention. There is in connection with this matter an evil which Congress should remedy at the first opportunity. A number of our district and circuit judges on the Federal bench are in the habit of going to the place where they are required to hold court, and then, after calling the docket, they put the papers in their pockets and go back to their homes, requiring the lawyers and witnesses to go there, traveling perhaps three or four hundred miles, in order to take part in the hearing of the cause. I am very glad the gentleman from New York has touched upon this point. I should like to hear what he thinks of such a practice.

Mr. PAYNE. My remedy would be what I have already indicated—to divide the State into subdistricts and have each case tried in the subdivision in which it arises. Under this arrangement the judge might hold court in the vicinity where the case originates.

Mr. WHEELER. And the gentleman would require him to stay there to try the case and render his decision?

Mr. PAYNE. Certainly, just as is required in the States. There need be no difficulty about that. The judge in the State court goes to the subdistrict and hears there the cases that are ready.

I simply throw out this suggestion. I am aware it is useless to oppose any measure of this kind. While I am strongly opposed in general to these propositions for dividing judicial districts, I realize there is much pressure for it. I have no doubt that in this case, as in every other reported by the Judiciary Committee in favor of additional courts and judges, the proposition will go through the House. But I think, Mr. Speaker, the system is all wrong, and I hope the Judiciary Committee will be able to give my suggestion some attention, so as to devise, if possible, some better way of accomplishing the purpose contemplated.

The SPEAKER. The question is on the motion of the gentleman from Kentucky to suspend the rules and pass the bill.

The motion was agreed to, two-thirds having voted in favor thereof.

Mr. SMITH of Kentucky. I move to reconsider the vote just taken—

The SPEAKER. The Chair will state that that is not necessary.

#### ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 10834. An act granting a pension to Michael Dempsey;

H. J. Res. 281. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1900, on the 20th day of said month; and

H. R. 8487. An act for the relief of Col. B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry.

#### JUDICIAL DISTRICTS OF WEST VIRGINIA.

Mr. PARKER of New Jersey. Mr. Speaker, I move to take up the bill H. R. 953 and suspend the rules and pass the bill.

The SPEAKER. The bill will be read to which the gentleman from New Jersey refers.

The Clerk read as follows:

A bill (H. R. 953) dividing the State of West Virginia into two judicial districts.

*Be it enacted, etc.,* That section 531 of the Revised Statutes is hereby amended by striking therefrom the words "West Virginia."

SEC. 2. That the State of West Virginia is divided into two judicial districts, which shall be called the northern and southern judicial districts of the State of West Virginia. The northern district includes the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof; the southern district includes the residue of said State of West Virginia, with the waters thereof.

SEC. 3. That the district judge of the judicial district of West Virginia as heretofore constituted and in office at the time this act takes effect shall be the district judge for the northern judicial district of West Virginia as constituted by this act; that the clerk of the circuit court and the clerk of the district court in said judicial district of West Virginia as heretofore constituted and in office at the time this act takes effect shall be the clerks of the circuit and district courts of the northern judicial district of West Virginia, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the northern judicial district of West Virginia as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively. All other officers residing within said northern district as hereby constituted shall continue to be and act as such officers within their respective jurisdictions in said northern district as hereby constituted.



until their successors, respectively, are duly appointed and qualified under the provisions of existing law.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the southern judicial district of West Virginia, who shall possess and exercise all of the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said southern judicial district as hereby constituted, or transferred thereto, succeed to and possess the same powers and perform the same duties within the said southern judicial district as are now possessed by and performed by the district judge of the district of West Virginia.

SEC. 6. That the marshal and district attorney of the judicial district of West Virginia as heretofore constituted and in office at the time this act takes effect shall be the marshal and district attorney, respectively, for the southern judicial district of West Virginia as constituted by this act until the expiration of their respective terms, or until their successors, respectively, shall be appointed and qualified. All other officers residing within said southern district of West Virginia as constituted by this act shall continue as such officers until the expiration of their respective terms and until their successors, respectively, shall be duly appointed and qualified. The clerk of the circuit and district courts in the southern judicial district of West Virginia as hereby constituted shall be appointed under the provisions of existing law.

SEC. 7. That the salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of West Virginia as heretofore constituted.

SEC. 8. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of West Virginia as heretofore constituted, whereof the courts of the northern judicial district of West Virginia as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and same shall be proceeded with in the northern judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said northern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of West Virginia as heretofore constituted, whereof the courts of the southern judicial district of West Virginia as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and same shall be proceeded with in the southern judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said southern judicial district of West Virginia, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy now pending in said judicial district of West Virginia as heretofore constituted, in which the evidence has been taken in whole or in part before the present district judge of the judicial district of West Virginia as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said northern judicial district of West Virginia as constituted by this act.

SEC. 9. That the regular terms of the circuit and district courts of the United States for the northern district of West Virginia shall begin at the following times and places in each year: At Wheeling on the first Tuesday of April and third Tuesday of September. At Clarksburg on the third Tuesday of April and first Tuesday of October. At Martinsburg on the third Tuesday of October. And the circuit court shall be held at Parkersburg, beginning on the second Tuesday of January and second Tuesday of June of each year.

That the regular terms of the circuit and district courts of the United States for the southern district of West Virginia shall begin at the following times and places in each year: At Charleston on the first Tuesday of May and second Tuesday of November. At Huntington, in the county of Cabell, on the first Tuesday of April and third Tuesday of September. At Bluefield, in the county of Mercer, on the first Tuesday of June and the first Tuesday of December.

SEC. 10. That the terms of said courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

SEC. 11. That the provisions of section 584 of the Revised Statutes are hereby extended to said districts hereby created.

SEC. 12. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

SEC. 13. That all laws and parts of laws so far as inconsistent with the provisions of this act are hereby repealed.

SEC. 14. That this act shall take effect on the 1st day of July, 1901.

Mr. UNDERWOOD. Mr. Speaker, I demand a second on the motion.

Mr. PARKER of New Jersey. I ask, Mr. Speaker, that a second may be considered as ordered.

Mr. UNDERWOOD. I do not object to that.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey, that a second may be considered as ordered?

There was no objection.

The SPEAKER. Does the gentleman from Alabama desire to take the floor at this time?

Mr. UNDERWOOD. No, but I would like to have some explanation of the provisions of the bill from the gentleman who introduced it.

Mr. PARKER of New Jersey. Mr. Speaker, the State of West Virginia has had a very wonderful growth—a growth of 25 per cent in the last ten years, and has more than doubled its population in the last forty years. This growth has been mostly in the southern part of the State, the part traversed by new railroads, filled up with foreign capital, rich in mines and oil wells, and doing much business which involves litigation, and that part of the State has been practically cut off from the benefits of the United States courts.

Two years ago the arrears of criminal cases in the courts of the State were over 1,000, besides many important civil cases. These arrears have been much diminished since then, but I may say that over 800 nolle prosequis have been needed in order to accomplish that result.

The courts are held in five places, and in order to bring the people to where the courts sit it is necessary to have at least eight places instead of five, and no one judge can perform that duty.

The criminal business has been growing, and besides there is a very heavy civil business, involving questions as to land titles (which are exceedingly unsettled), damage suits, and so forth, in which the foreign owners of property who are sued have been enabled to delay justice by going into the United States courts, where their cases could not be promptly heard.

This bill is urged by both sides of the House and by members of the Senate, irrespective of party. I desire to say to the gentleman from New York, who spoke about our giving some thought to this matter, that the Judiciary Committee have followed the principle of only reporting these bills in cases where the demand is greatest. Although the committee two years ago thought that this legislation was needed, it was postponed because in two other cases relief seemed to be more needed. The very careful report then drafted by the gentleman from Indiana [Mr. OVERSTREET] on the subject is embodied in my own report and made a part of it. At this session the committee have reported but three bills, the Kentucky bill, the West Virginia bill, and the act for the appointment of a judge temporarily in a district in Ohio where the judge is absolutely incompetent to hold court.

I reserve the balance of my time.

Mr. LINNEY. Will the gentleman allow me to ask him a question?

Mr. PARKER of New Jersey. Certainly.

Mr. LINNEY. I see in your report here the statement is made that Alabama has three judicial districts and 903 criminal cases on the docket, while West Virginia has but one and has 1,019 criminal cases.

Mr. PARKER of New Jersey. They had that in 1897. Since then that number has been diminished, but by judgments of nolle prosequi.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds voting in the affirmative, the rules were suspended and the bill passed.

#### ADDITIONAL CIRCUIT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

Mr. RAY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5076), to provide for the appointment of an additional district judge in and for the northern district of the State of Ohio.

The bill was read as follows:

*Be it enacted, etc.*, That there shall be in the northern judicial district of the State of Ohio an additional district judge, who shall be appointed by the President, by and with the advice of the Senate, and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein.

SEC. 2. That no vacancy in the office of the existing district judge of said northern judicial district of Ohio shall be filled by appointment, and in case of such vacancy there shall be thereafter one district judge only for said district.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. RAY of New York. Mr. Speaker, the State of Ohio is divided into two judicial districts, the northern and the southern. The district judge in the northern district is permanently incapacitated, mentally and physically, from performing the duties of his office. This condition has existed for three years last past, and the people have been waiting to see if there is any hope of a better condition of things. There is no hope. Business has been running behind, and the public interests have suffered as well as private interests.

Mr. UNDERWOOD. May I ask the gentleman a question?

Mr. RAY of New York. Certainly.

Mr. UNDERWOOD. Is this case similar to the Texas case that came up in the last Congress?

Mr. RAY of New York. This is exactly like the Texas case and like the Kansas case, and this bill is drafted in the same language and has the same purpose as to the northern district of Ohio that those bills had for the districts to which they applied.

Mr. UNDERWOOD. Does the bill provide that at the death of the judge who is incapacitated the two offices shall cease and only one man shall continue to hold?

Mr. RAY of New York. The bill does not provide for two judges permanently, but only until the death of the present judge. Of course, if the one appointed under the authority of this bill



should die first, then we should have to pass another bill to provide a judge in his place; but we proceed upon the assumption that the present judge will not outlive the one provided for by this act.

Mr. UNDERWOOD. As I understand it, then, the present judge is incapacitated and can not be retired without his consent, and you have to have some one to hold court.

Mr. RAY of New York. That is the condition exactly. They have been inviting in outside judges from time to time to do the work, but still the business is continually running behind, and now the condition is such in the neighboring States that the northern district of Ohio can not get judges to come in there to help out. Every consideration of public justice as well as of private interest in this district demands that this bill become a law. We have had two similar cases. One arose in Texas and one in Kansas, and we did just this thing. The Judiciary Committee, once when Mr. Culbertson was chairman, and again when the present Speaker was chairman, and again now, have studied the situation to see if by any possibility we could frame a law that would provide for the retirement of a judge when in this condition, and we find that probably it can not be done constitutionally. Therefore, this is the only remedy.

I reserve the balance of my time. I do not know any reason for occupying it further.

Mr. CLAYTON of Alabama. Mr. Speaker, I desire to state, for the benefit of this side of the House, that this bill comes from the Judiciary Committee with a unanimous report in its favor, after a full and careful investigation. The facts in the case make its passage imperative. Not only that, but there is ample precedent, as the gentleman from New York [Mr. RAY] has stated, and I do hope this bill will pass. It ought to pass.

The SPEAKER. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and, two-thirds voting in favor thereof, the rules were suspended and the bill passed.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL, from the Committee on Military Affairs, reported the bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. SULZER. Mr. Speaker, we desire to reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

#### GREER COUNTY.

Mr. LANHAM. Mr. Speaker, I am authorized by the Committee on the Judiciary to move to suspend the rules and pass Senate bill 2582 with certain amendments proposed by that committee.

The SPEAKER. The gentleman from Texas moves to suspend the rules and pass the bill which the Clerk will report, with the amendments recommended by the Committee on the Judiciary.

Mr. LANHAM. And pending that motion, Mr. Speaker, I desire to submit that this bill has heretofore been fully reported to the House and to some extent discussed. It is somewhat lengthy, and I wish to ask unanimous consent to dispense with the first reading of the bill, except the title.

Mr. PAYNE. Oh, no; Mr. Speaker, I want the whole bill read. I only regret that the members are not all here to hear the reading.

The SPEAKER. Objection is made.

Mr. LANHAM. I only make the request in the interest of saving time.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County and the expenditures made on account of said county by said State, and for other purposes.

Whereas there was a controversy of long standing between the United States and the State of Texas as to the ownership of the territory formerly known as Greer County, Tex., which was finally determined in favor of the United States by decree of the Supreme Court of the United States March 16, 1896, in a suit in equity brought by the United States against the State of Texas in that court; and

Whereas the treaty between the United States and Spain which was ratified February 19, 1821, fixed the boundary between the United States and Spain, and this became the boundary between the United States and the Republic of Texas and the State of Texas, successively; and

Whereas it was provided by said treaty that the boundary line "west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River and running thence by a line due north to the river Arkansas, etc.;" and

Whereas the Supreme Court of the United States in said cause adjudged that the words of said treaty "then following the course of the Rio Roxo

westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River," referred to the true one hundredth meridian astronomically located; and

Whereas the true intersection of said one hundredth meridian with Red River, or what, prior to said decision, was known sometime as the South Fork of Red River, or Prairie Dog Town Fork, has never been fixed by the United States and the State of Texas, acting together and in the manner provided by said treaty, nor was said true intersection fixed by the decree in said cause; and

Whereas the said territory formerly known as Greer County was formed into a county in 1860, and duly organized as a county in 1866, under the laws of the State of Texas, and continued as such organized county until the decree aforesaid, with all the rights, duties, powers, and privileges of an organized county of said State; and

Whereas during the period of time the State of Texas claimed ownership of and exercised jurisdiction over said territory the said State of Texas patented lands situated in other parts of the State to said Greer County, as one of the counties within the jurisdiction thereof, for school purposes, and which lands said Greer County used and alienated and appropriated the proceeds thereof exclusively for school purposes within its limits; and

Whereas during the period of time the State of Texas claimed ownership of and exercised jurisdiction over said territory the said State of Texas collected taxes from inhabitants of said territory and upon lands and other property situated therein, and expended money for school purposes, the enforcement of law and order, the care of the deaf, dumb, blind, and insane, and generally for the protection of life, liberty, and property therein and the establishment and maintenance of a government for the inhabitants thereof; and

Whereas the Supreme Court of the United States, in the opinion in said cause entitled *The United States against The State of Texas* (162 U. S., 1, 89-90), said: "It is further said that the State, since it assumed to create Greer County, has expended a large amount of money in providing a public-school system for the inhabitants of that locality. To what extent moneys have been so expended is not clearly shown. Whatever may be the facts touching this point, we do not feel at liberty to give weight to them in this case. The question before us, we repeat, is one of law, and must be determined according to law. What may be fairly and justly demanded by the State on account of moneys expended for the benefit of the inhabitants of the disputed territory is a matter for the consideration of the legislative branch of the National Government."

"In the argument it was suggested that this court ought not to forget how much was added to the power and wealth of this nation when Texas, with its imperial domain, came into the Union and her people became a part of the political community for whom the Constitution of the United States was ordained and established. This fact can not, of course, be forgotten by any American who takes pride in the prestige and greatness of the Republic. But the considerations which it suggests can not affect the decision of legal questions, and must be addressed to another branch of the Government. The supposition is not to be indulged that that department of the Government will fail to recognize any duty imposed upon it by the circumstances arising out of this vexed controversy." Therefore,

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be established and fixed the intersection of the true one hundredth meridian with Red River, or what, prior to said decision, was known sometime as the South Fork of Red River, or Prairie Dog Town Fork, by the most accurate and scientific methods, and at said intersection cause a suitable monument to be erected on the ground.

SEC. 2. That the Secretary of the Interior is also authorized and directed to inquire and ascertain what lands, if any, the State of Texas has patented to the said Greer County for school purposes; in whom title to said lands is now vested; whether said lands were alienated by said Greer County, and if so, the price paid therefor and what disposition was made thereof; and the present market value of said lands.

SEC. 3. That the Secretary of the Interior is also authorized and directed to inquire and ascertain, first, the total taxes collected by the State of Texas for any and all purposes from inhabitants of Greer County, or upon lands or other property located therein, from 1860 to 1896; second, the total amount paid by the State of Texas to said Greer County, or its officers or agents, for school purposes, other than lands, from 1860 to 1896, and the disposition made thereof by said county; and, third, the total of all other expenses incurred by the State of Texas from 1860 to 1896 in the enforcement of law and order, the care of the deaf, dumb, blind, and insane, and generally for the protection of life, liberty, and property in said county, and the establishment and maintenance of a government for the inhabitants thereof, or a fair estimate of the same.

SEC. 4. That to enable him to execute the provisions of this act the Secretary of the Interior is authorized to employ such persons and adopt such measures as to him may seem proper and necessary. He is also authorized to receive and consider duly certified copies of patents, deeds, conveyances, transcripts of court records, and certificates from any department of the Government of the United States or the State of Texas, under the seal thereof as to official records therein. He may also receive and consider depositions of witnesses, and in such cases the United States shall be represented by the Attorney-General thereof, or some person designated by him, and the State of Texas shall be represented by the attorney-general thereof, or some person designated by him; and these officials may appear and represent their respective governments before the Secretary of the Interior in all other matters provided for by this act. He may also receive and consider any testimony taken by either party in said cause entitled *The United States against The State of Texas*, in the Supreme Court of the United States, reported in One hundred and sixty-second United States, page 1, and may receive and consider any testimony which he may consider to be pertinent to the subject of such inquiry.

SEC. 5. That the sum of \$7,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to properly care for the interests of the United States in making such investigation and in carrying out the purposes of this act; and he shall report in detail to the Congress at the next session, or as soon thereafter as may be practicable: *Provided*, That the State of Texas shall defray the expenses of presenting its own case and claims.

Mr. PAYNE. Mr. Speaker, I demand a second on this.

Mr. LANHAM. I ask unanimous consent that a second may be considered as ordered.

Mr. PAYNE. I shall have to object to that and see if we can not get some members into the Hall of the House.

The SPEAKER. Objection is made by the gentleman from New York; and the Chair will appoint the gentleman from New York and the gentleman from Texas to act as tellers.

The House divided; and tellers reported—ayes 91, noes 6.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from



Texas in support of the bill, and the gentleman from New York in opposition to the bill.

Mr. LANHAM. Mr. Speaker, as I have already indicated, this is a Senate bill, and it has been unanimously reported from the Committee on the Judiciary of the House with certain amendments at the close of the bill. Its purpose is to have a definite ascertainment of where the one hundredth meridian crosses the Red River in the State of Texas, and, further, to investigate certain expenses incurred by the State of Texas during the time it occupied that portion of the Territory known as Greer County, east of the one hundredth meridian and between the north and south forks of Red River, up to the point of the confluence of the two streams. This matter is to be investigated by the Secretary of the Interior, and by him reported to Congress in detail for future action. It commits the Government to the payment of no amount; it is all left to Congress for its consideration hereafter. Its present purpose simply is to ascertain the facts.

Mr. LACEY. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. LANHAM. Certainly.

Mr. LACEY. I desire to make an inquiry. I notice on page 3 that it is stated that lands have been patented to Greer County in other parts of Texas.

Mr. LANHAM. Yes; under the policy of our State government for the benefit of the public schools.

Mr. LACEY. The inquiry I make is that the land is to be patented anywhere, without saying where, so far as the bill goes.

Mr. LANHAM. That is merely the preamble of the bill.

Mr. LACEY. Why is not the bill limited to lands patented for Greer County in counties other than Greer County?

Mr. LANHAM. Under the administration of our land affairs in Texas each county of the State is allowed so many leagues of land for school purposes. During the time that Texas exercised jurisdiction over this county there were patented, I believe, four leagues of land—I can not recall in what county situated—for the benefit of the educational interests of Greer County. The facts are all recited in the preamble, and that is sufficiently explanatory of the bill, I think. I desire now to yield ten minutes, or so much as he may require, to my friend the chairman of the Committee on the Judiciary [Mr. RAY of New York].

Mr. FLYNN. I would like to ask the gentleman from Texas a question.

Mr. HEPBURN. I would like to ask the gentleman from Texas before he takes his seat if in this proposed accounting there is to be taken into consideration the sum, whatever it may have been, that the State of Texas received for lands sold within the limits of Greer County?

Mr. LANHAM. It is, as I stated, to be fully investigated by the Secretary. If the gentleman heard the reading of the bill, he doubtless noticed in detail what is proposed to be done by the Secretary of the Interior and the facts to be ascertained by him.

Mr. LITTLEFIELD. Does this involve those lands in Greer County?

Mr. LANHAM. Not in the slightest, because the decision of the Supreme Court has held that the whole of this land in Greer County belongs to the United States or to Oklahoma as a part of the United States, and there is no purpose to interfere with that decision. It is simply to ascertain the expenses that Texas incurred during the time she exercised jurisdiction over this territory known as Greer County.

Mr. FLYNN. This bill is precisely the same as the other one that was up before?

Mr. LANHAM. Precisely the same.

Mr. RAY of New York. Mr. Speaker, I desire to reserve my time until we can hear the opposition, if any, to this bill.

The SPEAKER. The gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, the object of this bill, and the only object of it, is to establish a basis for a claim against the United States where no claim in law or in equity exists. That is the object of the bill.

Now, gentlemen from the Judiciary Committee will go around and tell the members of the House that this bill does not establish any claim; that this bill has as its object to get at certain facts, but every member of the House who has had any experience knows that if this bill passes and the Secretary of the Interior reports, these gentlemen from Texas, who are friends of mine, and whom I respect very highly and who are naturally entitled to influence socially, will go around to the different members of the House and say, "Here is a little claim of Greer County, or for the State of Texas in regard to Greer County; the House has passed upon it and has recognized the equity of the claim."

Why, it was only a short time ago that the whole State of Pennsylvania was here trying to get recognition for a claim for the destruction and loss of property at the Gettysburg battle and the invasion of Pennsylvania. We beat that bill on the threshold, and I do not believe it will ever be heard of again; but if we had

started in, Pennsylvania would have collected from the United States that claim.

Greer County was deemed to belong to Texas, and by the authority of Texas the land, largely public land, was disposed of. Texas had all the public lands within her border. She was different from any other State or Territory ever annexed to the United States; she had all of the public lands. Greer County began to be settled; and the State of Texas sold and issued patents to the inhabitants of various acres and sections at the price of \$2 an acre, which she put in her treasury.

Mr. COOPER of Texas. That is a mistake.

Mr. PAYNE. I am informed that that is a fact, and a fact not to be inquired into by this bill. The people settled there, and by and by they wanted schoolhouses, court-houses, and jails, and the State of Texas levied taxes upon the people of Greer County, and with the proceeds of these taxes, as well as the sale of the public lands in Greer County and outside of Greer County, built the jails and the court-houses and the schoolhouses in Greer County. But it was subsequently discovered that Greer County was not a part of the State of Texas, and finally so decided by the Supreme Court of the United States. And now here comes the great State of Texas and asks—

Mr. GROSVENOR. To whom did it belong?

Mr. PAYNE. To Oklahoma, and it was decided that the lands belonged to the United States. The United States opened up the public lands for settlement and gave them to the people who came there to settle, and it gave the court-houses and school-houses to the county of Greer, and the people enjoyed them and have enjoyed them from that day to this. Now they come in and ask—what? In the first place they want it settled by some United States surveyor, where it is that the parallel of latitude strikes Red River, in order that they may ascertain where Greer County is located.

Mr. RAY of New York. Has the gentleman any desire whatever to conform to the facts in regard to this matter? If so—

Mr. PAYNE. If the gentleman from New York wants to ask a question, let him do it, and not try to insult a man under pretense of asking a question.

Mr. RAY of New York. But I do not want the gentleman to insult the committee.

Mr. PAYNE. I decline to be interrupted in this way. If the gentleman has a question, let him ask it.

Mr. UNDERWOOD. A point of order, Mr. Speaker.

The SPEAKER. Will the gentleman from Alabama state the point of order?

Mr. UNDERWOOD. I ask that the House may be in order so that we can hear the controversy going on on the other side.

The SPEAKER. The House will be in order. Does the gentleman from New York yield to the gentleman from New York?

Mr. PAYNE. For a question, yes.

Mr. RAY of New York. If the gentleman is not willing to listen—

Mr. PAYNE. I am; but I can not give my time to the gentleman for debate. If he wants to ask a question, let him do so; my time is running now.

Mr. RAY of New York. Oh, well; go on. [Laughter.]

Mr. PAYNE. Thank you. Now, Mr. Speaker, they come in and want to establish the line, as though any surveyor in the United States could not establish this line and there was any difficulty about it. That is an excuse to get the bill in here. Then they go further and ask that the Secretary of the Interior shall find out how much public land the State of Texas gave Greer County for school purposes while Greer County was a county in the State of Texas.

Mr. TERRY. I want to say to the gentleman from New York—

Mr. PAYNE. I can not be interrupted; I have only twenty minutes.

Mr. TERRY. I supposed the gentleman wanted the facts.

Mr. PAYNE. Why, the bill has been read here, and every fact I am stating is found in the bill. If I am wrong, the members of the House will know it.

The SPEAKER. The gentleman from New York declines to yield to the gentleman from Arkansas.

Mr. TERRY. I simply wanted to suggest to the gentleman that if the claim was brought in here—

Mr. PAYNE. I hope this is not coming out of my time.

The SPEAKER. It is coming out of the gentleman's time.

Mr. TERRY. Oh, well, if the gentleman from New York wants to be discourteous he can exercise his usual privilege.

Mr. PAYNE. Then, in addition, they want the Secretary of the Interior to report the cost of the buildings, the jails, the court-houses, and the schoolhouses which have been built there by the State of Texas, and then how much taxes have been raised and paid in by Greer County, and still they are very careful to say on the floor of the House that this does not involve any claim against the United States.



I would like to have some gentleman on the Judiciary Committee inform the House what this inquiry is for—what this statement of account is for—unless there is some claim made. If these parties think they have any claim against the United States, why do they not come before the House in a manly fashion and state that they have or think they have such a claim? Why, Mr. Speaker, is it to be established that every time the United States Supreme Court decides a controversy between two parties, the party losing the suit is to come to Congress to be reimbursed for the money he thinks he has lost, but which the Supreme Court says he never had a title to? Is there any justice or equity in that? Is there any reason for a claim against the United States?

Mr. LANHAM. Is the gentleman aware of the fact that in the decision of the Supreme Court the very course outlined in this bill is suggested, and the court itself has said that we would have to go to the legislative department of the Government in order to determine what these expenses were? Will the gentleman allow me to quote for one moment from that decision?

Mr. PAYNE. No, I can not give my time for that purpose.

The SPEAKER. The gentleman declines to yield further.

Mr. PAYNE. I will answer the gentleman's question. I am aware that it was claimed before the Supreme Court, as I have learned from the opinion which is quoted, as I believe, in the bill as well as in the report—I am aware it was claimed before the Supreme Court that because Texas incurred certain expenses in Greer County therefore the State should not be ousted from that county—that such a consideration should influence the decision of the United States in determining whether the county belonged to the State of Texas or to the Indian Territory. I am aware that the Supreme Court, in making its decision and delivering the opinion, did say that if there were any claim of that kind it should go before Congress, that it should be left to the legislative branch of the Government.

I am stating the facts as they are stated in the bill itself. I insisted upon having the bill read to the House in order that these questions and the facts connected with them might be fully understood by the House. My knowledge of the facts has been obtained from the reading of the bill as it came up first upon a request for unanimous consent and as it comes up now. Those facts are stated in the bill by way of preamble before the enacting clause, with the idea of setting up some shadow of a claim against the United States, in order that after this report is made gentlemen may come before the Committee on Claims, or before members of the House, and say, "Why, the Fifty-sixth Congress has already decided in favor of this equity."

Mr. Speaker, I reserve the balance of my time.

Mr. RAY of New York. Mr. Speaker, I shall have to apologize to my colleague [Mr. PAYNE] for having interrupted him at all and for having intimated by way of interrogation that he was not stating the facts exactly as they exist. I did not mean to insinuate—I would not do so—that in any matter which he understands he would misstate a single fact. I know he would not. I know that he does not intend to do so in this case. But I know, too, in my own heart—and I suppose I shall be privileged to say this—that he does not oppose this bill because there is any real ground for opposition to it, but because he, the leader of the House, charged with the responsibility of keeping down expenditures, keeping out everything that might by possibility bring a charge against the Treasury of the United States—feels it his duty to oppose everything that does or might involve the payment of a dollar by the Government.

If he had studied this case as I have, or as members of the Judiciary Committee have, I do not think he would for a single moment take the ground that he has taken, because even if the bill should lay the basis for a claim in the future against the Government of the United States, if that claim is well founded in law, in equity, and in justice, then the Government of the United States, like any other debtor, ought to be made to walk up and pay it and all just and honest claims. Unless some one can disprove the facts found, if they establish a just claim, it ought to be recognized as just and proper. It is certainly just and proper to allow this matter to be presented to the Secretary of the Interior and investigated by him. That Department is competent to protect this Government.

This, Mr. Speaker, is a Senate bill. It passed the Senate of the United States unanimously. It ran the gantlet of the Judiciary Committee of that body. Senator HOAR presented it in the Senate in an able and lucid manner, and no one can justly raise a question against it. The Committee on the Judiciary of this House examined it. We have examined the decision of the Supreme Court of the United States relating to this contention, which is open to the reading of any gentleman; and we are but following the course suggested by the Supreme Court, and by the Senate, and by the Secretary of the Interior (who certainly will look out for the interests of this Government), when we say it is proper to do—what? To establish a boundary line between Texas, the Territory of Oklahoma, and the United States by the concurrent

action of the United States and the State of Texas. That is all we ask in the first place. Then let the Secretary of the Interior ascertain certain other facts and report them to the Congress of the United States if he sees fit. The bill simply appropriates \$7,500 to enable the Secretary of the Interior to look after and take care of the interests of the Government. This is provided for by our amendments.

Mr. HEPBURN. Does not the gentleman think that in any adjustment that may be made or contemplated the State of Texas should be charged with that portion of the public domain that is a part of Greer County, and was disposed of by the State of Texas?

Mr. RAY of New York. Certainly; if there were any such lands. But, Mr. Speaker, there were no such lands.

Mr. PAYNE. How did the settlers get title?

Mr. LITTLEFIELD. Gratuitously from the State by patent.

Mr. HEPBURN. But in giving those lands gratuitously the State undertook to dispose of lands of the United States. Now, I want to ask the gentleman—

Mr. RAY of New York. But they received nothing for those lands; and those settlers are now citizens of the United States, living on the same lands, but within the jurisdiction of the Territory of Oklahoma.

Mr. HEPBURN. But the fact still remains that Texas disposed of the lands of the Government of the United States as Texas proposed to do.

Mr. LITTLEFIELD. And never received a dollar for one acre of it.

Mr. HEPBURN. I am strongly of the opinion, Mr. Speaker, that if this bill should pass it should contain a provision to ascertain the exact quantity and value of the land, and the present value of the improvements.

Mr. RAY of New York. There is no necessity whatever for any such provision. Texas did not sell these lands.

Mr. LANHAM. She never charges for her public lands.

Mr. RAY of New York. But simply allowed men to go and settle upon them; and every citizen who took land there and became a settler is now a citizen of the United States and living in a Territory of the United States. If there had been any claim or any facts to base the claim on that Texas has sold any of these lands and received compensation for them, we would vote for a provision such as the gentleman has suggested; but we have examined the matter and know we think that there are no such grounds. My friend must also understand that we do not here recognize any claim on the part of Texas whatever. We do not recognize that she has any claims to the land of the Government or school houses erected by the Government or to compensation for the matters referred to in this bill.

We simply authorize the Secretary of the Interior, without creating any new office, first, to establish the boundary line, Texas paying the expense of the same, and the Secretary of the Interior standing there to guard the interests of the United States; and, second, to inquire as to the facts to which the bill refers, and discover what of their own lands were donated to Greer County, and after that is ascertained to present the facts to the Government, so that hereafter if a person or the State of Texas claims anything from the Government of the United States, either in the Court of Claims or here, members of the House will have the testimony and facts before them, and will be prepared to defend the interests of the Government. When that is done, we will be able to take care of our interests and to protect the interests of the people. But it is unjust, it is unfair, even if a claim should be lodged before the House by anybody on this account—it is unfair for members of this body to stand up and say we will not allow the facts to be presented to Congress. We ought not to be afraid to know the truth in these matters. It is our duty to ascertain the truth and then act honestly, and having knowledge, act intelligently.

Is the Government of the United States, Mr. Speaker, is the Congress of the United States, so powerless, so utterly helpless, that it can not take care of itself—of the pecuniary interests of the people? Mr. Speaker, when this investigation is made, and the facts appear here, is Congress such a baby that it will deny the truth or repudiate liability, if liable? Will it deny either to a citizen or to a State the right to have the head of one of the departments of the Government investigate certain facts and report them to the House of Representatives simply for its information, the other party being put to all the expense in its own behalf of doing it? The Congress having information will, in the future, meet the case wisely, and can be trusted to do justice.

Mr. Speaker, in all of my legislative experience I have never favored any law or advocated any bill that I did not think had merit and justice behind it. The Judiciary Committee may not be competent to discharge its duties properly, but it thinks it is. It has investigated the facts in this case. We believe that justice and right demand that the bill pass with the amendments we have suggested and made, and that committee, after full and fair deliberation and consideration, unanimously reports it to the House



for its action. By your verdict, gentlemen of the House, the Judiciary Committee is willing to abide.

Texas may and may not have a claim. With that question we are not now dealing. We want the facts, and when the full truth is known we will determine the liability. There is no danger in the truth. There is always danger in suppressing the truth. In this case I want the facts, and then we will determine the other questions that may arise.

Mr. PAYNE. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has ten minutes.

Mr. PAYNE. I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the gentleman from New York, the chairman of the Committee on the Judiciary, says that that committee has investigated this matter and that the House practically ought to be bound by this investigation.

Mr. RAY of New York. Oh, no.

Mr. LACEY. I would agree with him if it were not for the fact that an investigation by another committee has disclosed a precisely opposite state of facts, in some respects, from what he claims to exist, as brought out in the hearing before the Judiciary Committee. That is, it is claimed that the lands which were contracted by the State of Texas in the county of Greer were not sold at all, but that they were donated in some way. When the Greer County bill came up in this House, the hearing before the Public Lands Committee showed this state of facts: Judge Brown, of Texas, appeared for the settlers. He informed the committee that the settlers had contracted to pay the State of Texas \$2 an acre for all that land, and I understood that a portion of the payments had been made, and that they were required to pay the balance.

I reported a bill to the House from the Committee on the Public Lands requiring that the settlers should pay the balance due to the State of Texas into the Treasury of the United States provided that the free homes in Oklahoma should not become law, but that if Oklahoma should have free homes, then Greer County should share in the free homes. The Delegate from Oklahoma [Mr. FLYNN] was absent at the time the bill was reported. He came back from Oklahoma, and at once objected to the requirement of payment, and said he was in favor of free homes everywhere. He said he was in favor of free homes for the whole Territory, but that if Greer County alone could get them, then Greer County must have them. He moved an amendment in the House that the Greer County settlers should be relieved from paying the remainder of the \$2 an acre that they had agreed to pay to the State of Texas, and that they should then and there have free homes. That motion prevailed, and Greer County got free homes, and that was the first free-home victory. It did not seem to do the gentleman from Oklahoma very much good, though, because every man he got a free home for voted against him.

Mr. FLYNN. Oh, no; not all of them.

Mr. LACEY. Not every one of them, but most of them. There was no controversy then but that these men had agreed to pay \$2 an acre to the State of Texas. This bill ought to provide for finding out how much Texas got out of this land—

Mr. HEPBURN. And the present value.

Mr. LACEY. And the present value, if we are going to discuss the question of present value. So that here is one vital and very essential part of this measure that is entirely omitted in the bill. There is no attempt to require Greer County to account for the money received by Greer County for the land ceded by Texas to Greer County.

Mr. STEPHENS of Texas. For the very good reason that there was none.

Mr. LACEY. I am only telling you what occurred in the Committee on the Public Lands. A committee came from Texas representing the settlers and claiming that the settlers of Greer County had contracted and agreed to pay \$2 an acre for this land.

Mr. STEPHENS of Texas. They never paid it, though.

Mr. LACEY. If anything was paid, the amount ought to be ascertained. If none of it has been paid, that ought to be embraced in this report, so that Congress can act intelligently.

Mr. LANHAM. The bill requires that everything must be reported in detail.

Mr. LACEY. Unfortunately, it does not require anything of this kind.

Mr. LANHAM. It says that the Secretary of the Interior shall report in detail to Congress.

Mr. LACEY. Report what?

Mr. LANHAM. Whatever he is required to report.

Mr. LACEY. But this is not required to be reported. I think that this bill should be amended, and that the other proposition ought to be included. It may be true, as gentlemen state, that this land was not any portion of it paid for, but there ought to be an investigation of the matter.

Mr. LITTLEFIELD. Will the gentleman yield for a question?

Mr. LACEY. Certainly.

Mr. LITTLEFIELD. This bill provides for an inquiry as to lands patented by the State of Texas to Greer County for school purposes, etc., and then it also provides for an inquiry whether said lands were alienated by said Greer County, and if so, the price paid and the disposition made of them. Now, is the gentleman quite certain that these patents of which he is speaking were not made by Greer County to the residents of Greer County and not by the State of Texas?

Mr. LACEY. That is an entirely different proposition. There were 4 leagues of land outside of the county given for school purposes to Greer County, and the preamble so recites; but when you come to the body of the bill, it provides that the Secretary shall ascertain what lands, if any, the State of Texas has patented to Greer County for school purposes, without saying whether they are in Greer County or outside of Greer County; so that does not clear the matter up.

Mr. LITTLEFIELD. That is true.

Mr. LACEY. The way I understand this proposition, there are a great many thousands of acres of land that Texas has sold in Greer County, and there is no provision in this bill for any statement of the amount received.

I only get my information from Judge Brown, of Texas, the judge in whose judicial district the land was situated when it was attached to the State of Texas. He appeared for the settlers. He is a clear-headed gentleman.

We spent two weeks in the consideration of that bill. It was submitted to all the members from Texas, and it is surprising to me to learn now, after the efforts made to relieve the settlers from paying for these lands, that there was no intention that they should pay for them. Why that contest over the free homes in Greer County if that land had been freely given by Texas? Texas had given some Confederate soldiers land and patented some lands in Greer County. We confirmed that title by the Greer County bill. It is only in regard to the other land, which was sold under a contract, that the other bill—

Mr. RAY of New York. Do you claim for a single moment that the State of Texas ever sold for a consideration any land in Greer County?

Mr. LACEY. Thousands of acres.

Mr. RAY of New York. Where is the evidence?

Mr. LACEY. The evidence was given before the Committee on the Public Lands.

Mr. LANHAM. My friend is certainly mistaken about that.

Mr. LACEY. There was no such evidence before the Committee on the Judiciary, but there was before the Committee on the Public Lands. If they have any evidence, let them say that is not true.

Mr. RAY of New York. If you have that evidence, I would ask you to produce it.

Mr. LACEY. We had a full hearing. Furnish your evidence to us.

Mr. RAY of New York. The facts were presented before the committee.

Mr. LANHAM. Now I state, in perfect fairness, if there is anything in the contention of the gentleman from Iowa, I would be entirely willing, with the consent of the House, for him to put in an amendment. I do not think there is the slightest occasion for it, but if you can frame it in a few lines I would have no earthly objection that they may investigate that also.

Mr. RAY of New York. Has the gentleman any more time?

Mr. LANHAM. I have about four minutes.

Mr. RAY of New York. The gentleman from Iowa says that we are compelled here to show that his mere allegation is not true. Now, if the gentleman has that evidence, I call upon him to produce it. I say we had an investigation of the facts, and we found nothing of the kind alleged had ever been done; and now the gentleman comes in here upon a mere statement of his recollection and contradicts. If he has such evidence, let him produce it. But it is entirely immaterial to the question, because it will all come out in the investigation by the Secretary of the Interior; and if he should find that the State of Texas has sold any of this land for a consideration, do you think, Mr. Speaker, that it will not be reported with the other facts to this House?

Are we to assume that the Secretary of the Interior will not do his duty to the Government fully? Are we afraid that he will not take care of the interests of the United States? I for one am not.

The bill says he shall. But the gentleman from Iowa is mistaken; that is all. He has had so much to do with public lands here, there, and everywhere that he has mixed up the facts of this case with other cases. This bill was up once in the first session of this Congress and the attention of the gentleman was called to the bill. Why has he not provided himself with the evidence, which he says he has somewhere, to sustain his contention. Justice demands the passage of this Senate bill and I trust two-thirds will be ready to support it.

Mr. PAYNE. Mr. Speaker, I, of course, have nothing to say



about this controversy between the chairmen of the two committees. I am making no fight against the Committee on the Judiciary, and there is no occasion for its chairman getting so much excited here on this bill. What are the facts? Texas claims to have paid some money to build schoolhouses, court-houses, etc., in Greer County. If Greer County had remained a part of the State of Texas, these schoolhouses and public buildings would remain as a part of it, and the property of Greer County. They say by decision of the United States Supreme Court it was decided that the title to Greer County was in the United States; but the United States has already given the title to the schoolhouses and public buildings to Greer County.

The buildings belong to Greer County just as much as though the Supreme Court had never made a decision that Greer County was a part of the United States and not a part of Texas. Texas has not lost a farthing by reason of the decision of the Supreme Court of the United States. I am unwilling that this Congress should put it in the power of gentlemen to come to other Congresses and say that this Congress had recognized a claim of this character. They say the bill does not make a claim. Why is that long preamble, full of a claim in favor of Texas and against the United States, if you do not mean to make a claim? They say the whole of it is to be investigated by the Secretary of the Interior. Why is it sent to him to investigate? Why did not the Committee on the Judiciary, when they considered this bill, fully investigate it and report the facts to the House? Why send it to the Secretary of the Interior, at an expense of \$7,500, and call upon the State of Texas to appear?

There is no other object in this bill except to make a claim against the Treasury of the United States. My friend says that I seem to think it my duty to fight all the claims that come before the House. Every member of the House knows that he is mistaken about that; but it is my duty, as a member of the House, when I see a claim that is only a shadow of a claim come up against the United States—I do not care where it comes from—to be against that, and I intend to fight it. I hope that this bill will not pass, and that we will throttle it at the very start, just as we did the claim of the State of Pennsylvania in regard to the invasion of the Confederates during the war of 1863. Let us stop these matters at the beginning. By and by, in the process of time, when they get stale, and when members of the House forget the facts, they allow claims without merit. That is the reason why many honest claimants can not get their fair dues, because these claims without foundation are constantly pressed upon the Treasury and the House of Representatives. I hope the bill will be defeated.

Mr. LANHAM. Mr. Speaker, I have a moment or two, I believe.

The SPEAKER. The gentleman has three minutes remaining.

Mr. LANHAM. I desire to state that Texas does not want anything but what is right, what is just, what is honest and fair, and the object of this bill is to give her, in effect, a day in court for the investigation of certain facts subsequently to be reported to Congress, and to be determined in the wisdom of Congress whether or not this is a meritorious claim. Now, to show that we wish to be entirely fair in the premises, I am quite willing, if the House will give unanimous consent for that purpose, to have inserted at the end of line 5, page 5, the amendment suggested by the gentleman from Iowa, although I do not regard it as necessary. I send it to the Clerk's desk and ask unanimous consent that it may be inserted as an amendment.

The SPEAKER. The gentleman from Texas asks unanimous consent for the insertion of the amendment which the Clerk will report.

The Clerk read as follows:

At the end of line 5, page 5, insert "and to ascertain the sum received from the sale, if any, of any public lands in Greer County by the State of Texas."

The SPEAKER. Is there objection to that insertion?

Mr. PAYNE. That does not alter the character of the bill. I do not object to it.

Mr. HEPBURN. Mr. Speaker, before that is done, it seems to me there ought to be a provision for ascertaining the present market value of the land.

Mr. LANHAM. It says just above this amendment "the present market value of the land shall be ascertained."

Mr. LITTLEFIELD. Add that right to this proposed amendment.

Mr. LANHAM. I am willing to put that at the end of the proposed amendment.

Mr. HEPBURN. I think there should be a further amendment. It refers to the lands disposed of by the State of Texas instead of lands sold.

Mr. LITTLEFIELD. Put it "sold or disposed of."

Mr. HEPBURN. Let the words "disposed of" go in.

Mr. LANHAM. I have no objection to that.

The SPEAKER. The additional suggested amendment will be made by the Clerk, and then the matter submitted to the House. The Clerk will now report the suggested amendment.

The Clerk read as follows:

At the end of line 5, page 5, insert "and to ascertain the sums received from lands sold or disposed of, if any, and the present market value of said lands, in Greer County, by the State of Texas."

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. LANHAM] that unanimous consent be given for the insertion of this amendment? [After a pause.] The Chair hears none, and this amendment will stand as a part of the original motion.

Mr. LANHAM. Now, Mr. Speaker, I am ready for a vote.

The SPEAKER. The question is, Shall the rules be suspended and the bill pass with the amendment?

The question was taken; and on a division (demanded by Mr. PAYNE) there were 110 ayes and 36 noes.

The SPEAKER. Two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

#### PENSIONS.

Mr. GIBSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar under the special order.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House, with Mr. LACEY in the chair.

The CHAIRMAN. The committee will be in order, and the Clerk will report the first bill.

EDWARD G. GARNER.

The first business on the Private Calendar was the bill (H. R. 6676) for the relief of Edward G. Garner.

*Be it enacted, etc.,* That the Secretary of War be, and he hereby is, authorized and directed to amend the record of said Edward G. Garner, and issue to him an honorable discharge, to date from the date of muster out of his company and regiment.

The amendment recommended by the committee is as follows:

*Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The committee amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

EMMA L. DU BOIS.

The next business on the Private Calendar was the bill (S. 2462) granting an increase of pension to Emma L. Du Bois.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma L. Du Bois, widow of Wilbur F. Du Bois, late of Company A, Twentieth Regiment Michigan Volunteer Infantry, and first lieutenant Company F, One hundred and eighth Regiment United States Colored Troops, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE G. KEMP.

The next business on the Private Calendar was the bill (S. 1226) granting an increase of pension to George G. Kemp.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George G. Kemp, late of Company K, Forty-fourth Regiment Massachusetts Volunteer Militia Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

OLIVA J. BAKER.

The next business on the Private Calendar was the bill (H. R. 10784) granting an increase of pension to Oliva J. Baker.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy, and pay her a pension of \$25 per month in lieu of that she is now receiving on certificate No. 13125.

The committee amendments were as follows:

In line 4, after the word "roll," insert the following: "subject to the provisions and limitations of the pension laws."

In line 6, after the word "pension," insert the words "at the rate;" in the same line strike out "five" after the word "twenty."

In lines 7, 8, and 9 strike out the words "on certificate numbered thirteen thousand four hundred and twenty-five."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

LUCINDA D. DOW.

The next business was the bill (S. 3306) granting an increase of pension to Lucinda D. Dow.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda D. Dow, widow



of Simon B. Dow, late of Company C, Twenty-seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving, with \$2 per month additional on account of her minor child.

The bill was laid aside to be reported favorably to the House.

MARY JANE McLAUGHLIN.

The next business was the bill (S. 244) granting a pension to Mary Jane McLaughlin.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane McLaughlin, invalid and dependent daughter of Michael McLaughlin, late of Company C, Twelfth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was laid aside to be reported favorably to the House.

ANDREW E. DUNHAM.

The next business was the bill (H. R. 8535) granting an increase of pension to Andrew E. Dunham.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew E. Dunham, late acting ensign, in the United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 6 strike out the words "in the."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ERMINIE D. CABELL.

The next business was the bill (S. 2831) granting an increase of pension to Ermine D. Cabell.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ermine D. Cabell, widow of James A. Cabell, late of Company C, Eighth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Adolphus N. Cabell, invalid and dependent son of said James A. Cabell, the additional pension herein granted shall cease and determine.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY R. DEAN.

The next business was the bill (S. 2218) granting a pension to Mary R. Dean.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary R. Dean, former widow of Amos G. Thomas, late captain Company G, Eleventh Regiment Rhode Island Volunteer Infantry, and first lieutenant Company E, Third Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH BEESLEY.

The next business was the bill (H. R. 5643) granting a pension to Elizabeth Beesley.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Beesley, widow of Florello M. Kelsey, late of Company A, Ninth Regiment of Iowa Infantry, and pay her a pension at the rate of \$20 a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, after the word "late," insert the word "Captain."

In line 7 strike out the word "of;" in the same line, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "a" and insert in lieu thereof the word "per."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CLARA E. COLBATH.

The next business was the bill (S. 3880) granting an increase of pension to Clara E. Colbath.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara E. Colbath, widow of George S. Colbath, late captain Company I, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

OLIVE W. LAY.

The next business was the bill (S. 2152) granting a pension to Olive W. Lay.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Olive W. Lay, former widow of Nathan Paine, late major First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MAE PEARMAN.

The next business was the bill (H. R. 10725) granting a pension to Mae Pearman.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mae Pearman, widow of John T. Pearman, late acting assistant surgeon, United States Volunteer Army, and pay her a pension at the rate of \$20 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN ERB.

The next business was the bill (S. 2985) granting a pension to John Erb.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Erb, dependent father of John Erb, jr., late of Company H, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY G. BIGELOW.

The next business was the bill (H. R. 4356) granting an increase of pension to Henry G. Bigelow.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Henry G. Bigelow, late lieutenant in Company C, Fifteenth Regiment Massachusetts Volunteer Infantry, upon the pension roll, and to grant him a pension of \$50 per month from and after the passage of this act, the same to be in lieu of any pension now drawn.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "he," in line 3, and all of lines 4, 5, 6, 7, 8, and 9 and insert in lieu thereof the following: "is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry G. Bigelow, late of Company C, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$45 per month in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

AGNES B. HOFFMAN.

The next business was the bill (H. R. 3609) to grant pension to Agnes B. Hoffman, as widow of William G. Hoffman, late first lieutenant, Third United States Cavalry.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Agnes B. Hoffman, of No. 15 E street N.W., Washington, D. C., widow of William G. Hoffman, deceased, formerly first lieutenant, Third United States Cavalry, and pay her a pension of \$12 per month, as widow of her said husband, from the 1st day of January, 1899.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, 8, and 9 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Agnes B. Hoffman, widow of William G. Hoffman, late first lieutenant, Third United States Cavalry, and pay her a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Agnes B. Hoffman."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARIE SHARPE.

The next business was the bill (S. 1347) granting an increase of pension to Marie Sharpe.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie Sharpe, widow of John B. Sharpe, late of Company C, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was laid aside to be reported favorably.

JOSEPHINE BROWN.

The next business on the Calendar was the bill (S. 2557) granting a pension to Josephine Brown.



The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Brown, invalid and dependent daughter of William Brown, late of Company C, Second Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was laid aside to be reported favorably.

JOHN W. PHILLIPS.

The next business was the bill (H. R. 11159) granting a pension to John W. Phillips.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Phillips, late of Company C, First Regiment National Guards of East Tennessee, and pay him a pension at the rate of \$12 per month.

The bill was laid aside to be reported favorably.

ANDREW FERGUSON.

The next business was the bill (S. 3235) granting a pension to Andrew Ferguson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Ferguson, late a pilot, U. S. ram *Lioness*, Mississippi Marine Brigade, and pay him a pension at the rate of \$12 per month.

The bill was laid aside to be reported favorably.

MARY V. WILMARTH.

The next business was the bill (S. 3049) granting an increase of pension to Mary V. Wilmarth.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary V. Wilmarth, widow of Roswell S. Wilmarth, late second lieutenant Company D, Sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The bill was laid aside to be reported favorably.

EMMA J. BIDWELL.

The next business was the bill (S. 2190) granting a pension to Emma J. Bidwell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma J. Bidwell, widow of William E. Bidwell, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was laid aside to be reported favorably.

LULA M. JONES.

The next business was the bill (H. R. 8263) to pension Lula M. Jones, reported with amendments.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$25 per month, subject to the provisions and regulations of the general pension laws, the name of Lula M. Jones, the daughter of Samuel T. Jones, late of Company A, Eightieth Illinois Volunteer Infantry.

The committee recommend the adoption of the following amendments:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Lula M. Jones, helpless daughter of Samuel T. Jones, late captain Company A, Eightieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Lula M. Jones."

The amendments recommended by the committee were considered, and agreed to.

The bill as amended was laid aside to be reported favorably.

LUCY B. BRYSON.

The next business was the bill (H. R. 1600) granting a pension to Lucy B. Bryson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the conditions and limitations of the pension laws, the name of Lucy B. Bryson, widow of W. A. Bryson, late first lieutenant in Company C, Eighteenth Kentucky Volunteer Infantry.

The committee recommend the adoption of the following amendments:

In line 4 strike out all after the word "place" and all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy B. Bryson, widow of Hiram M. Bryson, late first lieutenant Company C, Eighteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lucy B. Bryson."

The amendments recommended by the committee were considered, and agreed to.

The bill as amended was laid aside to be reported favorably.

JOHN H. WILCOX.

The next business was the bill (S. 2774) granting an increase of pension to John H. Wilcox.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Wilcox, late of Company D, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably.

JAMES H. THOMAS.

The next business was the bill (S. 4256) granting a pension to James H. Thomas.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Thomas, late of Company C, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The bill was laid aside to be reported favorably.

MARY J. CALVIN.

The next business was the bill (S. 3536) restoring to the pension roll the name of Mary J. Calvin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Calvin, widow of Joseph A. McIlvain, late of Company H, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was laid aside to be reported favorably.

ALBERT BUCK.

The next business was the bill (H. R. 8297) granting an increase of pension to Albert Buck.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Buck, late a private in Company K, One hundred and first Illinois Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The committee recommended the adoption of the following amendments:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In line 7, before the word "Illinois," insert the word "Regiment;" in the same line, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported favorably.

CORNWELL M. BRILL.

The next business was the bill (S. 1599) granting an increase of pension to Cornwell M. Brill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornwell M. Brill, late of Company E, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably.

ALSIE BENNETT.

The next business was the bill (S. 2830) granting a pension to Ailsie Bennett.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ailsie Bennett, widow of Thomas Bennett, late of Company H, One hundred and twenty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was laid aside to be reported favorably.

JOHN J. WILSON.

The next business was the bill (S. 1876) granting an increase of pension to John J. Wilson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Wilson, late of Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably.

JAMES H. CALDWELL.

The next business was the bill (H. R. 9266) granting an increase of pension to James H. Caldwell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Caldwell, late of Company G, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.



The committee recommend the adoption of the following amendments:

Insert after "Missouri," in seventh line, the words "State Militia;" and strike out "thirty" and insert "twenty-four," so it will read \$24 per month.

Mr. STEELE. I would like to know the reason for giving \$24 per month in the case of a militiaman. I wish some one would explain.

The CHAIRMAN. The bill was introduced by the gentleman from Missouri [Mr. DE ARMOND], who does not seem to be present.

Mr. STEELE. Let it go over until we get some explanation for giving a militiaman \$24 a month.

Mr. GIBSON. I will give the gentleman from Indiana the information which he desires.

This man has a good Army record. In the first place, he served from the 26th of February, 1862, to March 15, 1865—over three years. He is very much diseased. His sight is almost entirely gone, and his general physical condition is of the most distressing character.

Mr. STEELE. That being the case, why does he not get a pension under the general law?

Mr. GIBSON. For the reason that the Pension Bureau is not satisfied that this cancer trouble originated in the service; but the man is blind all the same. The question is, whether he shall go down to his grave blind and in his pitiable condition, drawing \$12 a month, or whether his pension shall be increased. The man is extremely poor, and the case is one of the most meritorious that has been before the committee.

Mr. STEELE. I see the gentleman is reading from the report.

Mr. GIBSON. Yes.

Mr. STEELE. On that information I will not require any further statement.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM R. MILLER.

The next business was the bill (H. R. 8027) to pension William R. Miller.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of William R. Miller, of Company A, Fourth Tennessee Infantry Volunteers, and pay him a pension at the rate of \$24 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Miller," insert the word "late;" in the same line, after the word "Fourth," insert the word "Regiment;" in the same line, after the word "Tennessee," insert the word "Volunteer."

In line 6 strike out the word "Volunteers."

Amend the title so as to read: "A bill granting a pension to William R. Miller."

Mr. STEELE. Let us have the report in that case read?

The CHAIRMAN. The report will be read in the time of the gentleman from Indiana [Mr. STEELE].

The Clerk began the reading of the report.

Mr. STEELE. Mr. Chairman, will the gentleman in charge of the bill explain how the committee determined that this man was in the service after the War Department had found that he was not in the service?

Mr. GIBSON. The testimony of the enlisting officer of the United States shows that he was enlisted in the United States service. But while on his way to join his command he was captured by the Confederates, and his leg was so injured that amputation was necessary. For that reason they would not receive him in the regiment. As a result of that he never was mustered in in the ordinary way, and never having been mustered, his name does not appear on the roll. Those are the facts, all the same.

The further reading of the report was dispensed with.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN F. HUTCHISON.

The next business was the bill (S. 3466) granting an increase of pension to John F. Hutchison.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Hutchison, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ROSALIA TEJIDOR BRINCKERHOFF.

The next business was the bill (S. 3470) granting a pension to Rosalia Tejidor Brinckerhoff.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosalia Tejidor Brinckerhoff, widow of George L. Brinckerhoff, late captain Company B, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH E. TATE.

The next business was the bill (S. 218) granting an increase of pension to Sarah E. Tate.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Tate, widow of Samuel A. Tate, late of Company I, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Florence Tate, the helpless and dependent child of said Samuel A. Tate, the additional pension herein granted on account of such child shall cease and determine.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EDWIN CULVER.

The next business was the bill (S. 3505) granting an increase of pension to Edwin Culver.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Culver, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

Mr. STEELE. Let us have some reason why this fifty-dollar pension should be granted, Mr. Chairman.

Mr. CALDERHEAD. I will say, Mr. Chairman, that the report is very brief, and if the gentleman will get it he can see.

Mr. STEELE. Let the report be read.

Mr. CALDERHEAD. I hope the gentleman will hear it read.

The CHAIRMAN. The report will be read in the time of the gentleman from Kansas.

The report (by Mr. GRAFF) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3505) granting an increase of pension to Edwin Culver, have examined the same and adopt the Senate report thereon and recommend that the bill do pass.

[Senate Report No. 1017, Fifty-sixth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3505) granting an increase of pension to Edwin Culver, have examined the same and report:

This bill proposes to increase from \$36 to \$50 per month the pension of Edwin Culver, of Token, Wis., late of Company E, First Regiment Wisconsin Volunteer Cavalry.

Edwin Culver enlisted in Company G, First Regiment Wisconsin Cavalry, September 21, 1861, and was discharged for disability March 23, 1863. The surgeon's certificate of disability states he was discharged "because of exposure to malaria at Helena, Ark., in August, 1862, in consequence of which intermittent fever and camp diarrhea, which last continues and is incurable. He has also severe diabetes."

He enlisted in Company E, First Wisconsin Cavalry, January 4, 1864, and was discharged July 19, 1865. He received five wounds from a cavalry charge near Salem, Ala., April 14, 1865.

The hospital records show him treated March 23, 1863, for intermittent fever, and from April to July, 1865, for wound of left arm and left iliac region.

The claimant, who is now 73 years of age, was originally pensioned for chronic diarrhea at the rate of \$2 per month from December 11, 1863, the date of his first discharge, to January 4, 1864, the date of his second enlistment.

During the reading of the report,

Mr. STEELE. I do not care for any further reading of the report, on account of the man's age.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES E., TERESA, AND ANNA ARVIN.

The next business on the Private Calendar was the bill (H. R. 4080) granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of James E. Arvin, Teresa Arvin, and Anna Arvin, indigent and feeble-minded children of George W. Arvin, deceased, late a member of Company A, Forty-fourth Regiment Indiana Volunteer Infantry, and pay to each one of them a pension at the rate of \$12 per month.

SEC. 2. That whereas an emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage.

The amendments recommended by the committee were read, as follows:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, 8, 9, 10, 11, and 12 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the names of James E. Arvin, Teresa Arvin, and Anna Arvin, the helpless and dependent children of George W. Arvin, late of Company A, Forty-fourth Regiment Indiana Volunteer Infantry, and pay them each a pension at the rate of \$10 per month."

The bill as amended was ordered to be laid aside with a favorable recommendation.

The amendments were agreed to.



## WILLIAM ALLEN AND ISAAC GARMAN.

The next business on the Private Calendar was the bill (H. R. 1845) granting pensions to William Allen and Isaac Garman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of William Allen and Isaac Garman, scouts and spies in the United States Army during the war of the rebellion, and pay each of them a pension at the rate of \$20 a month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5, before the word "scouts," insert the word "late."

In line 7 strike out the word "twenty" and insert in lieu thereof the word "twelve;" in the same line strike out the word "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## BYRON KURTZ.

The next business on the Private Calendar was the bill (S. 2540) granting an increase of pension to Byron Kurtz.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byron Kurtz, late of Company I, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

## EDWARD A. PARMALEE.

The next business on the Private Calendar was the bill (S. 2543) granting an increase of pension to Edward A. Parmalee.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward A. Parmalee, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

## MAJ. A. NORTHPROP.

The next business on the Private Calendar was the bill (S. 3127) granting an increase of pension to Maj. A. Northrop.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maj. A. Northrop, late of Company H, Fifteenth Regiment New Hampshire Volunteer Infantry, and of Company K, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

## ELIZA STILLMAN.

The next business on the Private Calendar was the bill (S. 1848) granting an increase of pension to Eliza Stillman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza M. Stillman, widow of Thomas J. Stillman, late first lieutenant Company B, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

## MATHEW T. JONES.

The next business on the Private Calendar was the bill (S. 751) granting an increase of pension to Mathew T. Jones.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathew T. Jones, late of Company E, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

## JOHN H. FINFROCK.

The next business on the Private Calendar was the bill (H. R. 2472) to correct the military record of John H. Finfrock.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing from the military service of the United States John H. Finfrock as a captain of the Sixty-fourth Regiment of Ohio Infantry Volunteers, and to issue an honorable discharge for him, to date from the 23d day of January, 1863: *Provided, however,* That no pay, bounty, or other allowances shall become due or payable by virtue of the passage of this act.

Mr. STEELE. Let us have some explanation of this charge.

Mr. VAN VOORHIS. The report is quite lengthy, but I ask

that the first page be read, which, I think, will satisfy the gentleman.

The first page of the report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2472) to correct the military record of John H. Finfrock, report the same back to the House with the recommendation that it do pass.

This is a bill to revoke an order of dismissal of Captain Finfrock, Sixty-fourth Ohio Infantry Volunteers, and issue an honorable discharge, dated January 22, 1863, with proviso against pay, bounty, etc., as usual.

He was dismissed for alleged desertion, which the War Department has officially determined did not take place.

The committee adopt the report made on a similar bill in the Fifty-fourth Congress, hereto annexed.

[House Report No. 2632, Fifty-fourth Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4676) entitled "A bill to correct the military record of John H. Finfrock," having had the same under consideration, report it back favorably, and recommend its passage with an amendment.

Attached hereto is the report of the Record and Pension Office of the War Department in reference to this case, which gives in detail the circumstances attending the dismissal of Captain Finfrock from the United States service, and states that the charge of desertion appearing against him in the orders in which he was dishonorably dismissed the service is erroneous, and that a notation to that effect has been placed upon the official records; but that, "notwithstanding this action, the order of dismissal in the case of this officer having been carried into execution, it is beyond the power of an executive officer to revoke or modify it, or to set it aside, however unmerited or injurious that order may be deemed to have been."

Amend by adding as follows:

"*Provided, however,* That no pay, bounty, or other allowances shall become due or payable by virtue of the passage of this act."

Mr. STEELE. Mr. Chairman, I make the point of order that this bill has no place on the Calendar this afternoon.

The CHAIRMAN. The case is one of dismissal for desertion. Mr. VAN VOORHIS. And I think it has a place on the Calendar.

The Clerk resumed and concluded the reading of the first page of the report.

Mr. STEELE. I have nothing further to request, if the War Department is satisfied with it.

Mr. VAN VOORHIS. The War Department recommends the bill.

The bill was ordered to be laid aside with a favorable recommendation.

## JOHN FAULDS.

The next business on the Private Calendar was the bill (H. R. 3047) to remove the charge of desertion from the military record of John Faulds, Company G, Thirty-first Wisconsin Infantry.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of John Faulds, late a private in Company G, Thirty-first Regiment Wisconsin Volunteer Infantry, and to grant him an honorable discharge as of the 23d day of January, 1863.

The amendment recommended by the committee was read, as follows:

*Provided,* That no pay or allowance shall become due or payable by reason of the passage of this act.

Mr. STEELE. I should like to know why that man should be discharged. I would like to have the report read.

The report (by Mr. ESCH) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3047) to remove the charge of desertion from the military record of John Faulds, have had the same under consideration and submit the following report thereon:

It is shown by the records of the War Department that John Faulds was enrolled December 2 and mustered into service December 24, 1862, as a private in Company G, Thirty-first Wisconsin Infantry Volunteers, to serve three years, and that he deserted on January 23, 1863, from Camp Utley, Racine, Wis., never thereafter returning to his command, which remained in service until July 8, 1865; also that he enlisted November 10, 1864, as a private in Company F, Seventh West Virginia Cavalry Volunteers, in violation of the twenty-second (now fiftieth) article of war, and appears to have served faithfully under this enlistment until August 1, 1865, when he was mustered out of service and honorably discharged.

The War Department report further shows that in an application for removal of the charge of desertion as of Company G, Thirty-first Wisconsin Infantry Volunteers, Faulds testified May 15, 1896, as follows: That he was drafted into the United States military service in the autumn of 1862; reported at Madison, Wis., where he was examined and passed for muster and was solicited by Captain Rogers, the United States recruiting officer, to enlist in the volunteer service, which he did; that he thereafter reported for service at Racine, Wis., where said Captain Rogers requested him to sign his father's name to some paper or record, to legalize, as he understood it, his said enlistment, he being then a minor, which he refused to do.

That while yet at Racine in said service he was listed as a member of Company G, Thirty-first Wisconsin Infantry Volunteers; that about the 20th of December, 1862, with John Dannser, a member of said company, he was granted a furlough and came home to the town of Glencoe, Buffalo County, Wis., to his father's farm and home; that shortly afterwards, and while said furlough was yet in force, the soldier became sick, and at the time of the expiration of his furlough was wholly unfitted and unable to return to Racine and said service; that while his said furlough was in force his father, James Faulds, sought counsel of one Edward Lees, a lawyer residing at Fountain City, Wis., and at time district attorney of said Buffalo County, to get the soldier discharged from the service and released from his enlistment on the grounds of his being a minor, and for the further reason of sickness and ill health; that at said time there resided in said Fountain City a man known as Dr. Colb, who claimed to be a United States examining surgeon, before whom Faulds was taken for examination, and said Dr. Colb examined him and had him sign some papers believed to be an application for a discharge.

That on the advice of said Lees and Dr. Colb, Faulds returned to his home,



leaving the matter in their hands, having been assured by them that no harm could or would come to him by his not reporting to said company before the expiration of said furlough; that he was in poor health during the winter months of 1863, and on such advice remained at home with his father; that he in no way attempted to secrete himself or hide away from the public; that no effort was made by the Government to take him back to the service or to punish him for his said absence, nor was he ever notified to return to said service; nor was any inquiry whatever, so far as he knows, made by the Government concerning his said absence from the service up to the fall of 1863, when he went to Illinois, and in the spring of 1864 went to Cannelton, W. Va., where he remained until he enlisted at Charleston, W. Va., on the 10th day of November, 1864, in said Company F, Seventh Regiment West Virginia Cavalry; that at the time of his last enlistment in said Seventh West Virginia Cavalry he informed Major Blonden, of said regiment, of all the material facts herein stated; that his service in said West Virginia regiment was in the name of John Falls instead of John Faulds, which was wholly due to an error of the official who made and kept the record, and that the soldier was not aware of such error until given his discharge in 1865.

The affidavit filed in the War Department is supplemented by another affidavit of the soldier made on the same date and filed with the committee, and sets forth substantially the same state of facts, and showing also that he was born in Scotland, November 27, 1844, and came to the United States in 1848; lived for a time in Pennsylvania, Maryland, West Virginia, and thence removed to the town of Glencoe, Buffalo County, Wis.; also a third affidavit, sworn to on June 1, 1896, in which his age is stated at 18 years when drafted; that he did not preserve the furlough; that James Faulds (his father), Judge Lees, Dr. Colb, and Major Blonden, of the Seventh Regiment West Virginia Cavalry, are dead; that the only bounty, local or otherwise, received by him on his last enlistment was \$25 paid at the time and \$50 thereafter, and that he received no other money consideration or inducement for his second enlistment, which he made in good faith and was not induced by the offer of payment of any bounty or money.

It appears from the affidavits filed with the committee and made by the following witnesses that they all knew John Faulds prior, during, and since the war, viz: Thomas Courteney, Robert D. Burt, Robert Burt, John Hill, William Henry, Clarissa Mulyck, Engelhart Doelle, Walter Jackson, John Dannser, Margaret Cowie, James R. Faulds, and William Milan. Said Courteney's affidavit, made May 15, 1896, filed in the War Department, corroborates the soldier's statements as to his enlistment, his coming home on furlough, his sickness, and the consultation between his father and the attorney, Edward Lees, about getting soldier out of the service, and that his father had talked with witness about it at the time, and then told witness that the attorney assured him that the soldier need not return to the service and that he would get him released for the reason that he was a minor. Witness knew that soldier's father was very anxious to have him out of the service, at home with him, as he was the only help he had; that soldier made no effort to conceal his identity nor to secrete himself; that witness heard of no effort being made by the authorities to get the soldier back into the service by arrest or otherwise. This witness repeated the same facts in an affidavit made on the same day and filed with the committee.

The affidavit of said Robert D. Burt, filed in the War Department, corroborates the soldier's statement as to his enlistment with John Dannser into the military service in the fall of 1862; the return of the soldier to his father's home on furlough, as the witness was at the time informed, about January 1, 1863; also as to his illness and as to his having applied for the discharge from the service, and that the soldier did not conceal himself, and that it was generally understood that he was discharged.

This witness also testified to the same state of facts in a second affidavit, made May 16, 1896.

The affidavit of Robert Burt, filed in the War Department, is in corroboration of the foregoing statements of the soldier and the other affidavits. In a supplemental affidavit, made May 16, 1896, and filed with the committee, this witness testified to a like state of facts.

The foregoing statements are also corroborated by the following affidavits of John Hill, now of Winona, Minn., age, 64 years, who testified June 4, 1896; William Henry, of Arcadia, Wis., 50 years of age, who testified June 19, 1896; Clarissa A. Mulyck, of Glencoe, Wis., 55 years of age, who testified July 14, 1896; Engelhart Doelle, of the town of Cross, Wis., 55 years of age, affidavit made July 6, 1896; Walter Jackson, of Glencoe, Wis., 65 years of age, affidavit made August 8, 1896; and John Dannser, of said town of Cross, 55 years of age, affidavit made June 6, 1896, stating also that he was a member of Company G, Thirty-first Regiment Wisconsin Infantry Volunteers; enlisted at same time as John Faulds; that they, with others, were granted furloughs; that date of furlough was about December 20, 1862, for eight days; that witness saw the furlough granted John Faulds, and knows of his own knowledge that Faulds had a furlough; that witness and Faulds went from Racine, Wis., together to their homes in Buffalo County, Wis.; that witness returned to his company and regiment at expiration of furlough; that Faulds did not return, and that witness remembers conversation he had with Capt. George D. Rogers several weeks after his return, in January, 1863, and remembers well of asking the captain if said John Faulds was coming back to the company, and the captain answered him at the time that Faulds was sick or claimed to be sick.

The statements of the soldier, as contained in his affidavits in regard to his visits to the office of said Edward Lees and to see Dr. Colb, and as to the assurance of said Lees that the soldier had been discharged or released from the military service, or would be, and that they need not trouble themselves any further about it, are corroborated by the affidavits of the following witnesses, filed with the committee, each of the witnesses testifying to being present in the office of said Lees and Dr. Colb with the soldier and his father when the arrangements were made for getting the soldier out of the service, viz, Margaret Cowie, of Arcadia, Wis., 64 years of age and a sister of the soldier, affidavit made November 30, 1897; James R. Faulds, a resident of Stevensville, Mont., 44 years of age, affidavit made December 4, 1897, and William Milan, of Glencoe, aforesaid, 52 years of age, affidavit made December 15, 1897.

Your committee are of the opinion that the soldier had no intention of deserting, but that he believed the steps taken by the lawyer, Edward Lees, and Dr. Colb released him from military service in said Company G, Thirty-first Regiment Wisconsin Volunteer Infantry, and therefore recommend that the bill do pass with the following amendment:

"Provided, That no pay or allowances shall become due or payable by reason of the passage of this act."

Mr. STEELE. I understand there is no bounty paid on account of the reenlistment and that he was a young boy 18 years of age.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM O. EAGLE.

The next business on the Private Calendar was the bill (H. R. 2204) for the relief of William O. Eagle.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and is hereby, authorized and directed to amend and correct the records and muster rolls of the late war of the rebellion in his office so as to show that William O. Eagle, late a private of Company C, One hundred and thirty-second Regiment of Indiana Volunteer Infantry, was duly mustered into the service of the United States and served therein as a member of said company and regiment for the period of one hundred days, and was duly and honorably discharged therefrom at the expiration of his term of service.

The bill was laid aside to be reported to the House with a favorable recommendation.

FRANK BLAIR.

The next business on the Private Calendar was the bill (H. R. 10472) granting an increase of pension to Frank Blair.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frank Blair, now pensioned by certificate No. 3932, and receiving the sum of \$12 per month, as a Mexican war veteran, and that his present pension be raised to \$36 per month.

The committee amendments were read, as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

Strike out all in the bill after the word "Blair," in line 5, and substitute therefor the following: "late private in Capt. S. H. Walker's company of Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOSEPH E. HENDRICKSON.

The next business on the Private Calendar was the bill (S. 2386) granting a pension to Joseph E. Hendrickson.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph E. Hendrickson, late of Company F, First Regiment District of Columbia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$50 per month.

Mr. STEELE. Mr. Chairman, let us have some reason why we should pass this bill. Let us have the report read.

Mr. BROMWELL. Mr. Chairman, I think that probably no pension bill that has ever been before the House has received a more careful consideration than has this bill. I want to say that I took this bill under consideration, as a subcommittee on pensions, with a prejudice against the allowance of the pension in this case. The circumstances that attended the loss of sight of this party were peculiar. The testimony in the case was that he suffered with malaria, had an attack of sunstroke, and almost immediately afterwards lost his eyesight.

Mr. STEELE. Both eyes?

Mr. BROMWELL. Both eyes. He is totally blind.

Mr. STEELE. The gentleman need go no further; I am satisfied.

The bill was laid aside to be reported to the House with a favorable recommendation.

PEBBE TATE.

The next business on the Private Calendar was the bill (H. R. 10892) granting an increase of pension to Phebe Tate.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phebe Tate, widow of Thomas Tate, late captain of Company F, Fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The committee amendments were read, as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the words "first lieutenant."

In line 7 strike out the letter "F" and insert in lieu thereof the letter "I."

In the same line strike out the word "Fifth" and insert in lieu thereof the word "Third."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

Amend the title so as to read: "A bill granting an increase of pension to Phebe Tate."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

PATRICK H. HURLEY.

The next business on the Private Calendar was the bill (H. R. 5,085) granting a pension to Patrick H. Hurley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick H. Hurley, late lieutenant, Company L, Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month.

The committee amendments were read, as follows:

In line 6, after the letter "L," insert the word "Thirteenth."

In line 8 strike out the word "thirty" and insert in lieu thereof the word



"twelve." In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Patrick H. Hurley."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ROBERT A. REID.

The next business on the Private Calendar was the bill (H. R. 10183) granting an increase of pension to Robert A. Reid.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert A. Reid, late of Company G, Forty-eighth Regiment Pennsylvania Infantry, and pay him a pension of \$30 per month in lieu of that he is now receiving.

The committee amendments were read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer;" in the same line, after the word "pension," insert the words "at the rate;" in the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

LUCINDA MILLER.

The next business on the Private Calendar was the bill (H. R. 7745) granting a pension to Lucinda Miller.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the laws and restrictions of the Pension Office, the name of Lucinda Miller, of Rices Landing, Greene County, Pa., widow of David Miller, late of Company B, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, war of the rebellion, from and after the passage of this act, at the rate of \$12 per month.

The committee amendment was read, as follows:

In line 4 strike out all after the word "place" and all of lines 5, 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Miller, widow of David Miller, late of Company B, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$8 per month."

The committee amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOHN KINSIE.

The next business on the Private Calendar was the bill (H. R. 10570) granting an increase of pension to John Kinsie.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of John Kinsie, late a member of Company B, Forty-fifth Pennsylvania Veteran Volunteers, and pay him \$25 per month in lieu of any pension which may now be paid to him.

The committee amendments were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of John Kinsey, late of Company B, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John Kinsey."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MELVINA GREENAWALT.

The next business was the bill (H. R. 3491) granting a pension to Melvina Greenawalt, widow of Abraham Greenawalt.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Melvina Greenawalt, widow of Abraham Greenawalt, deceased, late of the city of Reading, Pa., who was in the service of the United States at Nashville, Tenn., as a carpenter and a private during the late rebellion, at the rate of \$12 per month.

The following amendments recommended by the Committee on Invalid Pensions were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In line 6 strike out the syllable "de-" and all of lines 7, 8, 9, and 10 and insert in lieu thereof the words "late of the Quartermaster's Department, United States Army, and pay her a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Melvina Greenawalt."

Mr. STEELE. I do not understand the amendment proposed. This man seems to have been in the service of the Quartermaster's Department.

Mr. GIBSON. It appeared before the committee that while this man was employed in the Quartermaster's Department he engaged in the defense of the city of Nashville as a soldier, and while so engaged he contracted on account of exposure a sickness from which he died. The committee thought that under these circumstances the widow ought to be pensioned.

Mr. STEELE. What military status do you give for this man?

Mr. GIBSON. Not any. We simply give the wife a pension because her husband died as a result of military service. Although under no legal compulsion to do so, he served in the defense of the city of Nashville, and, as a result, contracted disease that terminated in his death.

Mr. STEELE. How much pension do you grant the widow?

Mr. GIBSON. Twelve dollars a month.

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CATHERINE BROUGHTON.

The next business was the bill (H. R. 3658) granting a pension to Catherine Broughton, dependent mother.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Catherine Broughton, mother of William Broughton, deceased, late a member of Company F, Second West Virginia Volunteer Infantry, at the rate of \$8 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 3 strike out all after the word "be" and all of lines 4, 5, 6, and 7 and insert in lieu thereof the following: "and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Broughton, dependent mother of William Broughton, late of Company F, Fifth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Catherine Broughton."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GABRIEL M. FUNK.

The next business was the bill (H. R. 4199) granting a pension to Gabriel M. Funk.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Gabriel M. Funk, late of Company F, Ninety-first Illinois Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, before the word "Illinois," insert the word "Regiment."

In line 7 strike out the word "to."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BENJAMIN F. SHOTT.

The next business was the bill (H. R. 154) to increase the pension of Benjamin F. Schott.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Benjamin F. Schott, late of Company I, One hundred and thirty-ninth Indiana Volunteer Infantry, and pay to him a pension at the rate of \$30 a month in lieu of that which he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on." In the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "Schott" and insert in lieu thereof the word "Shott."

In line 6, before the word "Indiana," insert the word "Regiment."

In line 7, before the word "him," strike out the word "to." In the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four." In the same line strike out the word "a" and insert in lieu thereof the word "per."

In line 8 strike out the word "which."

Amend the title so as to read: "A bill granting an increase of pension to Benjamin F. Shott."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EDWARD HOUNSOM.

The next business was the bill (H. R. 3133) for the relief of Edward Hounsom, of Glenwood, Mo.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Hounsom, late a private of Company E of the Twenty-ninth Regiment of Enrolled Missouri Militia, at the rate of \$24 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the words "a private;" in the same line strike out the words "of the."

In line 7 strike out the word "of;" in the same line, after the word "Militia," insert the words "and pay him a pension."



Amend the title so as to read: "A bill granting a pension to Edward Hounsom."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

OLIE HEATON.

The next business was the bill (H. R. 9269) to pension Miss Olie Heaton, dependent daughter.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the Government the name of Olie Heaton, crippled daughter of William Heaton, deceased, late private in Company C, First Regiment West Virginia Volunteer Infantry, and pay her a pension of \$24 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 3 strike out the word "is;" in the same line, before the word "hereby," insert the word "is."

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Olie Heaton, the dependent and helpless daughter of William Heaton, late of Company C, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Olie Heaton."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANKLIN I. GILBERT.

The next business was the bill (H. R. 3660) granting a pension to Franklin I. Gilbert.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$30 per month, the name of Franklin I. Gilbert, late of Company D, One hundred and seventy-sixth Regiment Ohio Infantry Volunteers, and now a resident of Salem, Ohio.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, and 8, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Franklin I. Gilbert, late of Company D, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Franklin I. Gilbert."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MICHAEL RYAN.

The next business was the bill (H. R. 4231) to grant a pension to Maechel Ryan, alias Kennedy, Company F, One hundred and eighty-seventh New York Infantry.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Maechel Ryan, alias Kennedy, late of Company F, One hundred and eighty-seventh New York Infantry, and pay him a pension of \$30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, and 7, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Michael Ryan, alias Kennedy, late of Company F, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Michael Ryan, alias Kennedy."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

RICHARD HOLLOWAY.

The next business was the bill (H. R. 7495) granting an increase of pension to Richard Holloway.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Holloway, late private and musician, Company B, Thirty-third Regiment New Jersey Infantry Volunteers, and pay him a pension at the rate of \$50 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the words "private and musician" and insert in lieu thereof the word "of."

In line 7 strike out the word "volunteers;" and in the same line, before the word "infantry," insert the word "volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty;" in the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ERNST PITTSCHNER.

The next business was the bill (S. 2159) granting a pension to Ernst Pittschner.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ernst Pittschner, late of Company G, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably.

JOSEPH ZIMMERMAN.

The next business was the bill (H. R. 9981) granting an increase of pension to Joseph Zimmerman.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Zimmerman, late a sergeant of Company I, One hundred and thirty-ninth Regiment of Pennsylvania Volunteer Infantry, at the increase rate of \$24 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Zimmerman, late of Company I, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GORTON BROWN.

The next business was the bill (H. R. 11198) granting an increase of pension to Gorton Brown.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gorton Brown, late of Company C, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The Committee on Invalid Pensions recommended the adoption of the following amendment:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

Mr. STEELE. Before that, Mr. Chairman, let us have some explanation of this bill or let us have the report read.

The CHAIRMAN. The Clerk will read the report.

Mr. GIBSON. I will state to the House, for the purpose of saving time, that this soldier is now absolutely helpless, being paralyzed in every extremity and can not move any part of his body.

Mr. STEELE. I do not care about anything more. If he is paralyzed in every extremity, he ought to have the pension.

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably.

DAVID R. ELLIS.

The next business was the bill (H. R. 4887) to increase the pension of David R. Ellis.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension roll, subject to the limitations and provisions of the pension laws, the name of David R. Ellis, late an engineer's yeoman on the steamship *Monitor* in the United States Navy, and afterwards on steamship *Sassacus* in same service during the war of the rebellion, and that he receive a pension of \$50 per month in lieu of that which he now receives.

The Committee on Invalid Pensions recommended the adoption of the following amendments:

In line 3 strike out all after the word "be" and all of lines 4, 5, 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David R. Ellis, late of the U. S. steamships *Monitor*, *Tunxis*, and *Sassacus*, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to David R. Ellis."

Mr. STEELE. I would like to ask why in this man's case he is allowed \$40 a month, as it is not shown that he is paralyzed in every extremity, while the other one, who is so paralyzed, gets only thirty?

Mr. GIBSON. I can say, if the gentleman will allow me, that the committee endeavor to draw a distinction in accordance with the probability of the disability being incurred in the service. Where there is a strong probability that it is of service origin we give him a higher rate than where there is no such probability. That is where we draw the line.

Now, the Bureau of Pensions requires that it shall be proven beyond reasonable doubt that the disability was incurred in the service. The committee was satisfied by reasonable evidence that



this was the case, and where there is reasonable evidence we divide the pension allowed by law in what we regard to be an equitable manner as developed by the evidence. Of course, if the evidence was conclusive the whole pension would be granted. For instance, if this man, whose disability is total, suffered that disability in the service, he would get \$72. But where the evidence is not conclusive we stop at fifty, and where there is no such probability we stop sometimes at thirty or forty, according to the necessities of the man and poverty of himself and family, and endeavor to make as fair a distinction as we can, with a view of equalizing pensions to all of these people.

Now, here is a man who served for all of these years, beginning February 4, 1862, down to May 13, 1865. We look at the length of a soldier's service and give a soldier who has had a long and honorable service, with a certain disability, a greater rate of pension than a soldier with the same disability but with a short term of service.

In the case before the committee this soldier served a long time. He is exceedingly poor, and has a wife and five children dependent upon him for support.

Taking these things into consideration, the committee were content to give him the rate of \$40 a month.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HARRIET A. WILSON.

The next business was the bill (H. R. 7912) granting a pension to Harriett A. Wilson, widow of Col. Lewis Wilson.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Harriett A. Wilson, widow of Lewis Wilson, late colonel of the Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of the pension of \$8 per month which she is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "place" and all of lines 5, 6, 7, 8, and 9 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriett A. Wilson, widow of Lewis Wilson, late colonel Second Regiment Ohio Volunteer Infantry, and captain Company D, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Harriett A. Wilson."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY CLARK.

The next business was the bill (H. R. 4130) granting a pension to Mrs. Mary Clark, widow of Calvin B. Clark, late of the One hundred and fifth Pennsylvania Volunteers.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Mary Clark, widow of the late Calvin B. Clark, musician, of the One hundred and fifth Pennsylvania Volunteers, on the pension roll, and pay her a pension of \$12 per month, subject to the rules, regulations, and laws governing the same.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 3 strike out all after the word "be" and all of lines 4, 5, 6, 7, and 8 and insert in lieu thereof the following: "and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Clark, widow of Calvin B. Clark, late musician, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Mary Clark."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALMEDA BROWN.

The next business was the bill (H. R. 3705) granting a pension to Almeda Brown.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almeda Brown, widow of James A. Brown, late Company B, Fifth New York Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, after the word "late," insert the word "of."

In line 7, before the words "New York," insert the word "Regiment;" in the same line, before the word "Heavy," insert the word "Volunteer."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS F. WALTER.

The next business was the bill (H. R. 7203) granting a pension to Thomas F. Walter.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Commissioner of Pensions be, and is hereby, authorized and directed to place the name of Thomas F. Walter, late first lieutenant Company A, Ninety-first Regiment Pennsylvania Infantry Volunteers, on the pension roll of the United States at the rate of \$50 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Walter, late first lieutenant Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$17 per month."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH S. HAMMOND.

The next business was the bill (H. R. 8373) granting a pension to Sarah S. Hammond.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah S. Hammond, formerly widow of Pierson Brown, late private in Company A, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension of \$8 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7 strike out the words "private in" and insert in lieu thereof the word "of."

In line 8, after the word "pension," insert the words "at the rate;" in the same line strike out the word "eight" and insert in lieu thereof the word "twelve."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN C. SHEUERMAN.

The next business was the bill (H. R. 6043) to increase the pension of John C. Shenermen, Company C, Ninth Regiment, and Company A, Eleventh Regiment, Pennsylvania Volunteers.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the pension now granted to John C. Shenermen, late of Company C, Ninth Regiment, and Company A, Eleventh Regiment, Pennsylvania Volunteers, in the war of the rebellion, be, and the same is hereby, increased to the sum of \$24 per month, and the Secretary of the Interior is hereby directed to pay him a pension at the above rate instead of the pension now paid him. This act shall take effect immediately.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Sheuerman, late of Company A, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John C. Sheuerman."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LAURA NEWMAN.

The next business was the bill (H. R. 7040) granting a pension to Laura Newman.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Newman (formerly Laura Mount) a volunteer nurse in the war of the rebellion, and pay her a pension at the rate of \$12 a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, before the word "a," insert the word "late;" in the same line strike out the word "volunteer."

In line 7 strike out the words "war of the rebellion" and insert in lieu thereof the words "Medical Department, United States Volunteers."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

OLIVER DOMON.

The next business was the bill (S. 1245) granting a pension to Oliver Domon.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Domon, late a member of Company A, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.



JOHN CALVIN LANE.

The next business was the bill (H. R. 4633) for the relief of John Calvin Lane.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Calvin Lane, who rendered service as scout in the Eighth Regiment Missouri Cavalry Volunteers.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out all after the word "Lane" and all of line 7 and insert in lieu thereof the following: "late scout and guide for the Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to John Calvin Lane."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALEXANDER BOLTIN.

The next business was the bill (H. R. 5189) granting an increase of pension to Alexander Boltin, of Kearney, in the State of Nebraska.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Boltin, late a member of Company D, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In line 6 strike out the words "a member."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 9 strike out the words "the pension" and insert in lieu thereof the word "that."

Amend the title so as to read: "A bill granting an increase of pension to Alexander Boltin."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SMITH THOMPSON.

The next business on the Private Calendar was the bill (H. R. 11228) granting an increase of pension to Smith Thompson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Smith Thompson, late of Company D, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS CLARK.

The next business on the Private Calendar was the bill (H. R. 11211) granting a pension to Thomas Clark.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Clark, late of Company B, Fifth Regiment Delaware Volunteer Infantry, and Company A, Seventh Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL RYAN.

The next business on the Private Calendar was the bill (H. R. 11516) granting an increase of pension to Samuel Ryan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Ryan, late quartermaster-sergeant of the Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of the."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL PALMATARY.

The next business on the Private Calendar was the bill (H. R. 11158) granting a pension to Daniel Palmatary.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Palmatary, late of Company A, Sixth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MICHAEL HOWLETT.

The next business on the Private Calendar was the bill (H. R. 8942) granting an increase of pension to Michael Howlett.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Howlett, late first lieutenant Company E, Fifteenth New York Engineers, and pay him a pension of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the Committee were read, as follows:

In line 7, before the words "New York," insert the word "Regiment;" in the same line, before the word "Engineers," insert the word "Volunteer;" in the same line, after the word "pension," insert the words "at the rate."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. MARY E. DOBYNS.

The next business on the Private Calendar was the bill (H. R. 9023) granting an increase of pension to Mrs. Mary Dobyns.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Dobyns, widow of G. H. Dobyns, late captain, United States Volunteers, of Danville, Ky., and pay her a pension at the rate of \$50 per month in lieu of the pension she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Mary," insert the letter "E;" in the same line strike out the letter "G," and insert in lieu thereof the word "George;" in the same line, after the word "captain," insert the words "and assistant quartermaster."

In line 7 strike out the words "of Danville, Kentucky."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In line 9 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUIS M. STARRING.

The next business on the Private Calendar was the bill (H. R. 9370) granting a pension to Louis M. Starring, of Rhea County, Tenn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis M. Starring, of Grand View, Rhea County, Tenn., and to pay him a pension at the rate of \$25 per month on account of the disability of blindness, the said Louis M. Starring being a son of Rosell M. Starring, deceased, late a soldier in the war of the rebellion, and whose deficiency of eyesight dates from his birth.

The amendment recommended by the committee was read, as follows:

In line 6 strike out all after the word "Starring," and all of lines 7, 8, 9, 10, and 11, and insert in lieu thereof the following: "the dependent and blind son of Rosell M. Starring, late of Company H, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EVELYN NEALE MURRAY.

The next business on the Private Calendar was the bill (S. 4184) granting an increase of pension to Evelyn Neale Murray.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evelyn Neale Murray, widow of Eli H. Murray, late colonel Third Regiment Kentucky Volunteer Cavalry and brevet brigadier-general of volunteers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SOPHIE BARRETT.

The next business on the Private Calendar was the bill (H. R. 10333) granting a pension to Sophie Barrett, of Clearfield, Pa.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophie V. Barrett, widow of Walter Barrett, late lieutenant-colonel Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Sophie," insert the word "de V."  
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEONHART MILLER.

The next business on the Private Calendar was the bill (H. R. 11057) granting an increase of pension to Leonhart Miller, Company G, Twenty-third Kentucky Volunteer Infantry.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonhart Miller, late of Company G, Twenty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM T. WYANT.

The next business on the Private Calendar was the bill (H. R. 10945) granting a pension to William T. Wyant, Danville, Pa.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Wyant, late of Company B, One hundred and ninth Regiment, and Company F, One hundred and eleventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$25 per month.

The amendments recommended by the committee were read, as follows:

In line 9 strike out the words "twenty-five" and insert in lieu thereof the words "twenty-four;" in the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH A. DININNY.

The next business on the Private Calendar was the bill (H. R. 11603) granting an increase of pension to Sarah A. Dininny.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Dininny, widow of John W. Dininny, late colonel One hundred and forty-first New York Volunteers, and pay her a pension of \$25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the words "New York," insert word "Regiment."  
In the same line strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8, after the word "pension," insert the words "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAURA V. SWEARER.

The next business on the Private Calendar was the bill (H. R. 4143) granting a pension to Laura V. Swearer.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Laura V. Swearer, widow of John Swearer, at the rate of \$20 per month from the date of passage of this act, subject to the provisions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

In line 4 strike out all after the word "roll," and all in lines 5, 6, 7, and 8, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Laura V. Swearer, widow of John Swearer, late a mechanic of the Engineer Department, United States Army, and pay her a pension at the rate of \$8 per month."

Mr. STEELE. Mr. Chairman, I would like to know why this poor woman is put in here at \$8 a month, when the one just before this was given \$30 a month?

Mr. GIBSON. The woman just before this was the wife of a colonel of the regiment. We were satisfied that his death resulted from causes in the service, and that would be the amount she would be entitled to under the general law.

Mr. STEELE. Well, if they were entitled to it under the general law, they can get it in the Pension Office. Now, here you cut this poor woman down—

Mr. GIBSON. We do not cut her down, at all.

Mr. STEELE. Well, you do not cut her up, then. [Laughter.] I move, Mr. Chairman, to amend by making it \$12 a month.

Mr. GIBSON. The committee has given her what the law would give her.

Mr. STEELE. The law does not give them anything in these bills.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read, as follows:

Strike out "eight" and insert "twelve."

The question on the amendment to the amendment was taken; and on a division (demanded by Mr. STEELE) there were 31 ayes and noes.

So the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

LOUISE O'LEARY.

The next business on the Private Calendar was the bill (S. 2217) granting a pension to Louise O'Leary.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise O'Leary, widow of Charles O'Leary, late surgeon, United States Volunteers, and medical director Sixth Army Corps, and pay her a pension at the rate of \$50 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES FORBES.

The next business on the Private Calendar was the bill (H. R. 10089) granting an increase of pension to Charles Forbes.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Forbes, late of Company H, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES U. CHILDS.

The next business on the Private Calendar was the bill (S. 4688) granting an increase of pension to James U. Childs.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James U. Childs, late second lieutenant Company H, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

ADAM BIEGER.

The next bill on the Private Calendar was the bill (H. R. 8191) granting an increase of pension to Adam Bieger.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Bieger, late of Company G, Third Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES H. IRVIN.

The next business on the Private Calendar was the bill (S. 262) granting an increase of pension to Charles H. Irvin.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Irvin, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. GIBBS.

The next business on the Private Calendar was the bill (H. R. 8418) for additional pension to William H. Gibbs, of Hinds County, Miss.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to place the name of William H. Gibbs, late captain of Company H, Fifteenth Regiment Illinois Infantry Volunteers, on the pension roll of the United States, to commence from January 3, 1893, the date of filing of his original application for pension, and to pay him at the rate of \$6 per month from that date to February 15, 1897, the date of allowance of pension.

The committee amendments were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Gibbs, late captain of Company H, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William H. Gibbs."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.



GEORGE A. LIBBY.

The next business on the Private Calendar was the bill (H. R. 3636) granting an increase of pension to George A. Libby.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of George A. Libby, late of Company H, Fourteenth Regiment New Hampshire Infantry Volunteers, and pay him a pension of \$24 per month in lieu of the pension he is now receiving.

The committee amendments were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6 strike out the word "Volunteers," and in the same line, before the word "Infantry," insert the word "Volunteer;" in the same line, after the word "pension," insert the words "at the rate."

In line 7 strike out the words "the pension" and insert in lieu thereof the word "that."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

GILES W. TAYLOR.

The next business on the Private Calendar was the bill (S. 3056) granting an increase of pension to Giles W. Taylor.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Giles W. Taylor, late of Company F, Nineteenth Regiment New York Volunteer Infantry, and Company I, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

ABBIE L. GODFREY.

The next bill on the Private Calendar was the bill (H. R. 2692) granting a pension to Abbie L. Godfrey.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie L. Godfrey, daughter of John W. Godfrey, acting master of the Navy in the war of the rebellion, and that she be granted a pension at \$15 a month.

The committee amendments were read, as follows:

In line 3, after the word "and," insert the word "he."

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Louisa N. Godfrey, widow of John W. Godfrey, late acting master, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: *Provided, however,* That in the case of the death of the helpless and dependent child, Abbie L. Godfrey, on whose account the pension of said Louisa N. Godfrey is increased, the pension of said Louisa N. Godfrey shall continue only at the rate of \$8 per month from and after the date of death of said helpless and dependent child."

Amend the title so as to read: "A bill granting an increase of pension to Louisa N. Godfrey."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

WILLIAM SNIDER.

The next business was the bill (H. R. 9840) to increase the pension of William Snider.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of William Snider, late of Company H, Fourteenth Regiment Illinois Cavalry, at the rate of \$30 per month in lieu of the pension that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Snider, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William Snider."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM M. FERRY.

The next business was the bill (S. 92) granting a pension to William M. Ferry.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Ferry, late first lieutenant and regimental quartermaster of the Fourteenth Michigan Infantry, at the rate of \$30 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "forty."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN H. GARDNER.

The next business was the bill (H. R. 2656) for the relief of John H. Gardner.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll the name of John H. Gardner, late first lieutenant of Company B, Fifteenth Regiment Indiana Infantry, and also late private in Company K, Pittsburgh Greys, in the war of the United States with Mexico, and to allow him a pension at the rate of \$73 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "place" and all of lines 5, 6, 7, 8, and 9, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Gardner, late first lieutenant Company B, Fifteenth Regiment Pennsylvania Volunteers, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John H. Gardner."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BURWELL HINCHMAN.

The next business was the bill (H. R. 4516) granting a pension to Burwell Hinchman.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Burwell Hinchman, late of Company K, Eleventh Regiment of Michigan Volunteer Cavalry, and pay him a pension of \$30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, and 7 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Burwell Hinchman, late of Company K, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Burwell Hinchman."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN H. MORRISON.

The next business was the bill (S. 173) granting an increase of pension to John H. Morrison.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Morrison, late first lieutenant Company D, Sixteenth Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIA A. GILPIN.

The next business was the bill (H. R. 10639) granting an increase of pension to Mrs. Julia A. Gilpin.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Julia A. Gilpin, widow of Charles Gilpin, late colonel of the Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments reported by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the word "Mrs." in the same line, before the word "colonel," insert the word "lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Julia A. Gilpin."

Mr. STEELE. How is it that we are proposing to pension home guards at \$30 a month?

Mr. GIBSON. The husband of this lady was a lieutenant-colonel of the Third Potomac Home Guard Maryland Volunteers, in the service of the United States. He served from September 8, 1862, to June 2, 1865.

Mr. STEELE. Was it home-guard service or service of the United States?

Mr. GIBSON. "Home Guard" is the name of the organization. This lady was married to this officer in 1848. She is a war widow. If his death were directly attributable to his Army service, she would be entitled to a pension of \$30 a month. While the proof does not clearly show that the officer's death was attributable to Army service, we have given her the benefit of the doubt. She is a very old woman, and very poor.

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

## REBECCA HARVEY.

The next business was the bill (S. 1984) granting a pension to Rebecca Harvey.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Harvey, widow of Thomas Harvey, late of Company E, Fifth Regiment Delaware Volunteer Infantry, and second lieutenant Company E, Seventh Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

## ANNIS BEAN.

The next business was the bill (H. R. 8161) granting a pension to Annis Bean, mother of William H. Wood, late of Company F, Thirty-first Ohio Volunteer Infantry.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Annis Bean, mother of William H. Wood, late of Company F, Thirty-first Regiment Ohio Volunteer Infantry, on the pension roll and to grant her a pension at the rate of \$12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Amend the title so as to read: "A bill granting a pension to Annis Bean."

In line 4, after the words "to place," insert "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 6 strike out "on the pension roll."

In line 7 strike out "to grant" and insert "pay."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

## JOSEPH CONNELL.

The next business was the bill (H. R. 8647) to place on the pension roll the name of Joseph Connell.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Joseph Connell, who served as a private in the war of the rebellion in Company I, First Regiment Artillery (Maine), and pay to him a pension, subject to the provisions and limitations of the pension laws.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Connell, late of Company I, First Regiment New York Volunteer Marine Artillery, and of the United States Marine Corps, and pay him a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Joseph Connell."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

## MARTHA AGNEW.

The next business was the bill (S. 3134) granting a pension to Martha Agnew.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Agnew, widow of Elihu W. Agnew, late of Company M, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$8 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

## SARAH E. WALL.

The next business was the bill (H. R. 6623) granting a pension to Sarah E. Wall.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Sarah E. Wall, widow of John B. Wall, late of Company A, Third Pennsylvania Volunteer Artillery, and pay her a pension of \$12 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 4 strike out all after the word "place" and all of lines 5, 6, and 7 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Wall, widow of John B. Wall, late of Company A, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$8 per month."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

## FRANKLIN COOLEY.

The next business was the bill (S. 476) granting a pension to Franklin Cooley.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Franklin Cooley, late surgeon of the Fourteenth Missouri Home Guards, and acting assistant surgeon in the United States volunteer service, and pay him a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

## HUGH THOMPSON.

The next business was the bill (H. R. 5441) granting a pension to Hugh Thompson, Company H, Fifteenth Ohio Volunteer Infantry.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Hugh Thompson, late private, Company H, Fifteenth Ohio Volunteer Infantry, and pay him a pension of \$36 per month in lieu of that he now receives.

The committee recommended the adoption of the following amendments:

Strike out all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "the provisions and limitations of the pension laws, the name of Hugh Thompson, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Hugh Thompson."

The amendments were agreed to; and the bill as amended was laid aside to be reported favorably.

## EMMA R. RUSLING.

The next business was the bill (S. 1924) granting a pension to Emma R. Rusling.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of pension laws, the name of Emma R. Rusling, widow of William J. Rusling, late first lieutenant Company I, Fifth Regiment New Jersey Infantry, and pay her a pension at the rate of \$17 per month.

The bill was laid aside to be reported favorably.

## GEORGE W. PLANTS.

The next business was the bill (H. R. 3956) granting an increase of pension to George W. Plants.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws of the United States, the name of George W. Plants, late of Company F, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of the amount he is now receiving.

The committee recommended the adoption of the following amendments:

In line 5, after the word "laws," strike out the words "of the."

In line 6 strike out the words "United States."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 9 strike out the words "the amount" and insert in lieu thereof the word "that."

Amend the title so as to read: "A bill granting an increase of pension to George W. Plants."

The amendments were agreed to, and the bill as amended was laid aside to be reported favorably.

## MARY J. QUINN.

The next business was the bill (S. 3356) granting a pension to Mary J. Quinn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Quinn, widow of Francis J. Quinn, late of Company G, Fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was laid aside to be reported favorably.

## MARIA N. FLINT.

The next business was the bill (H. R. 4068) granting an increase of pension to Maria N. Flint.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria N. Flint, widow of the late General Franklin F. Flint, late colonel commanding the Fourth United States Infantry, and pay her the sum of \$30 per month in lieu of the pension of \$8 per month which she now receives.

The committee recommended the adoption of the following amendments:

In line 6 strike out the words "the late General."

In line 7 strike out the words "commanding the;" in the same line, after the word "Fourth," insert the word "Regiment."

In line 8 strike out the words "the sum" and insert in lieu thereof the words "a pension at the rate;" in the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 9 strike out the words "the pension of \$8 per month which she now."

In line 10 strike out the word "receives" and insert in lieu thereof the words "that she is now receiving."

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably.



## MELANCTHON M'COY.

The next business was the bill (S. 3099) granting an increase of pension to Melancthon McCoy.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melancthon McCoy, late of Company K, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably.

## CATHERINE A. M'CLANATHAN.

The next business was the bill (H. R. 9785) granting a pension to Catherine A. McClenathan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine A. McClenathan, widow of William P. Cox, late of Company L, Sixth Ohio Cavalry, and pay her a pension at the rate of \$12 per month.

The committee recommended the adoption of the following amendments:

In line 6 strike out the word "McClenathan" and insert in lieu thereof the word "McClenathan;" in the same line, before the word "widow," insert the words "formerly the."

In line 7, before the word "Ohio," insert the word "Regiment;" in the same line, before the word "Cavalry," insert the word "Volunteer."

Amend the title so as to read: "A bill granting a pension to Catherine A. McClenathan."

The amendments were agreed to; and the bill as amended was laid aside to be reported favorably.

## NELLIE L. GROSHON.

The next business was the bill (S. 712) granting a pension to Nellie L. Groshon.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie L. Groshon, widow of Thomas C. Groshon, late captain Company G, First Regiment Mississippi Marine Brigade, and pay her a pension at the rate of \$15 per month.

The bill was laid aside to be reported favorably.

## JAMES W. RUSSELL.

The next business was the bill (H. R. 11187) granting a pension to James W. Russell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Russell, late chaplain, Thirteenth United States Colored Troops and Company I, Eighty-third Illinois Volunteer Infantry, and pay him a pension at the rate of \$72 per month.

The committee recommended the adoption of the following amendments:

In line 6, after the word "Thirteenth," insert the word "Regiment."

In line 7 strike out the word "Troops," and insert in lieu thereof the words "Volunteer Infantry." In the same line, and in line 8, strike out the words "and Company I, Eighty-third Illinois Volunteer Infantry."

In lines 8 and 9 strike out the words "seventy-two," and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably.

## CATHARINE WEINHEIMER.

The next business was the bill (S. 3436) granting a pension to Catharine Weinheimer.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Weinheimer, widow of Melchior Weinheimer, late of Company I, First Regiment United States Reserve Corps Missouri Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Caroline Weinheimer, invalid and dependent child of said Melchior Weinheimer, the additional pension herein granted shall cease and determine.

The committee recommended the adoption of the following amendment:

In line 10 strike out all after the word "receiving" and all of lines 1, 2, and 3 of page 2 and insert in lieu thereof the following: "*Provided, however,* That in the case of the death of the helpless and dependent child, Caroline Weinheimer, on whose account the pension of Catharine Weinheimer is increased, the pension of said Catharine Weinheimer shall continue only at the rate of \$12 per month from and after the date of death of said helpless and dependent child."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably.

## DELIA E. STILLMAN.

The next business was the bill (H. R. 11096) granting an increase of pension to Delia E. Stillman.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delia E. Stillman, widow

of James Henry Stillman, late a private in Company C, Eleventh Regiment United States Infantry, and Company A, Twenty-third Regiment Massachusetts Infantry, and pay her a pension at the rate of \$22 per month in lieu of that she is now receiving: *Provided, however,* That in the case of the death of the helpless and dependent child, Ralph W. Stillman, on whose account the pension of Delia E. Stillman is increased, the pension of said Delia E. Stillman shall continue only at the rate of \$8 per month and \$2 per month for the minor child, Gertrude Choate Stillman, now on the roll, from and after the date of death of said helpless and dependent child.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7 strike out the words "a private in" and insert in lieu thereof the word "of."

In line 9, before the word "Infantry," insert the word "Volunteer."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

## THOMAS WHITE.

The next business was the bill (H. R. 10785) granting a pension to Thomas White.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas White, late a sergeant in Company F, Ninetieth Regiment Illinois Volunteer Infantry, and a member of the Signal Corps, and pay him a pension of \$30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the word "a;" in the same line strike out the word "in" and insert in lieu thereof the word "of."

In line 7 strike out the words "a member."

In line 8, after the word "Corps," insert "United States Army;" in the same line, after the word "pension," insert the words "at the rate;" in the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

## HENRY F. RICE.

The next business was the bill (H. R. 9570) granting an increase of pension to Henry F. Rice.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry F. Rice, late first lieutenant of Company B, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 6 strike out the word "of."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

## GEORGE A. WINSLOW.

The next business was the bill (H. R. 4204) to correct the military record of George A. Winslow.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to set aside the findings of the court-martial and revoke the order entered against George A. Winslow, late Lieutenant, Company M, Third Arkansas Cavalry Volunteers, and to issue to him a certificate of honorable discharge dated from the 9th day of May, 1865; and the said Winslow shall hereafter be held and considered to have been honorably discharged from the military service of the United States on said date: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. GIBSON. I move that the committee do now rise.

## LOUIS HEBEL.

Mr. MIERS of Indiana. Mr. Chairman, the gentleman from Tennessee is about to move that the committee do now rise. Before that is done I should like to call the attention of the committee to Calendar No. 1251 (H. R. 11552), granting an increase of pension to Louis Hebel. This is a bill introduced by the gentleman from Illinois [Mr. BOUTELL]. The case presents a very pitiable condition. This man is Mr. BOUTELL's close neighbor. It is very evident that the bill can not be reached in its regular order today. It will cause no one any inconvenience, as we are about to rise anyway. I ask unanimous consent that the bill be considered before the committee rises.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to take up Calendar No. 1251. Is there objection?

There was no objection.

The bill (H. R. 11552) granting an increase of pension to Louis Hebel was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Louis Hebel, late of Company

E, One hundred and eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The following amendment was read:

In line 8 strike out "twenty-four" and insert "twelve."

Mr. MIERS of Indiana. I hope that amendment will not be carried. If necessary, a statement can be made by the gentleman from Illinois [Mr. BOUTELL] showing why it should not be carried. The evidence that has come to me lately makes it very plain that the man ought to have \$24 a month instead of \$12. So I hope the amendment will be voted down without taking the time of the House.

The amendment was rejected.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. GIBSON. Mr. Chairman, I move now that the committee rise and report to the House the several bills as to which there has been a favorable recommendation, some with and some without amendments, and that the bills do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration sundry private bills and had directed him to report the same back to the House, some with and some without amendments, and with a favorable recommendation.

Mr. GIBSON. I move the previous question on each and all the several bills and amendments to their final passage.

The SPEAKER. The gentleman from Tennessee moves the previous question on each and all the bills and amendments to final passage. This motion will have to be put by unanimous consent. Is there objection to the motion?

There was no objection.

The motion was agreed to.

The following House bills, reported from the Committee of the Whole without amendment, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 11159. A bill granting a pension to John W. Phillips;  
H. R. 2472. A bill to correct the military record of John H. Finfrock;

H. R. 11238. A bill granting an increase of pension to Smith Thompson;

H. R. 11211. A bill granting a pension to Thomas Clark;  
H. R. 11158. A bill granting a pension to Thomas Palmatary;  
H. R. 10089. A bill granting an increase of pension to Charles Forbes;

H. R. 8191. A bill granting an increase of pension to Adam Bieger; and  
H. R. 4204. A bill to correct the military record of George A. Winslow.

The following House bills, with amendments, favorably reported from the Committee of the Whole, were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed.

H. R. 6676. A bill for the relief of Edward G. Garner, Company E, One hundred and twenty-eighth New York Volunteer Infantry;  
H. R. 10784. A bill granting an increase of pension to Oliva J. Baker;

H. R. 8535. A bill granting an increase of pension to Andrew E. Dunham;

H. R. 5643. A bill granting a pension to Elizabeth Beesley;  
H. R. 10725. A bill granting a pension to Mae Pearman;  
H. R. 4356. A bill granting an increase of pension to Henry G. Bigelow;

H. R. 3609. A bill to grant pension to Agnes B. Hoffman, as widow of William G. Hoffman, late first lieutenant, Third United States Cavalry;  
H. R. 8263. A bill to pension Lula M. Jones (title amended);  
H. R. 1600. A bill granting a pension to Lucy B. Bryson (title amended);

H. R. 8297. A bill granting an increase of pension to Albert Buck (title amended);  
H. R. 9266. A bill granting an increase of pension to James H. Caldwell (title amended);

H. R. 8027. A bill to pension William R. Miller (title amended);  
H. R. 4080. A bill granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin;

H. R. 1845. A bill granting pensions to William Allen and Isaac Garman;

H. R. 2472. A bill to correct the military record of John H. Finfrock;

H. R. 3047. A bill to remove the charge of desertion from the military record of John Faulds, Company G, Thirty-first Wisconsin Infantry;

H. R. 2204. A bill for the relief of William O. Eagle;

H. R. 10472. A bill granting an increase of pension to Frank Blair;

H. R. 10892. A bill to increase the pension of Mrs. Phebe Tate (title amended);

H. R. 5085. A bill granting a pension to Patrick H. Hurley (title amended);

H. R. 10183. A bill granting an increase of pension to Robert A. Reid;

H. R. 7745. A bill granting a pension to Lucinda Miller;

H. R. 10570. A bill granting a pension to John Kinsie (title amended);

H. R. 3491. A bill granting a pension to Melvina Greenawalt, widow of Abraham Greenawalt (title amended);

H. R. 3658. A bill granting a pension to Catherine Broughton, dependent mother (title amended);

H. R. 4199. A bill granting an increase of pension to Gabriel M. Funk;

H. R. 154. A bill to increase the pension of Benjamin F. Schott (title amended);

H. R. 3133. A bill for the relief of Edward Hounson, of Glenwood, Mo. (title amended);

H. R. 9269. A bill to pension Miss Olie Heaton, dependent daughter (title amended);

H. R. 3660. A bill granting a pension to Franklin I. Gilbert (title amended);

H. R. 4231. A bill to grant a pension to Michael Ryan, alias Kennedy, Company F, One hundred and eighty-seventh New York Infantry (title amended);

H. R. 7495. A bill granting an increase of pension to Richard Holloway;

H. R. 9981. A bill granting an increase of pension to Joseph Zimmerman;

H. R. 11198. A bill granting an increase of pension to Gorton Brown;

H. R. 4887. A bill to increase pension of David R. Ellis;

H. R. 7912. A bill granting a pension to Harriet A. Wilson, widow of Col. Lewis Wilson (title amended);

H. R. 4130. A bill granting a pension to Mrs. Mary Clark, widow of Calvin D. Clark, late of the One hundred and fifth Pennsylvania Volunteers (title amended);

H. R. 3705. A bill granting a pension to Almeda Brown;

H. R. 7203. A bill granting a pension to Thomas F. Walter;

H. R. 8273. A bill granting a pension to Sarah S. Hammond (title amended);

H. R. 6043. A bill to increase the pension of John C. Shenermen, Company C, Ninth Regiment, and Company A, Eleventh Regiment, Pennsylvania Volunteers (title amended);

H. R. 7040. A bill granting a pension to Laura Newman;

H. R. 4633. A bill for the relief of John Calvin Lane (title amended);

H. R. 5189. A bill granting an increase of pension to Alexander Boltin, of Kearney, in the State of Nebraska (title amended);

H. R. 11516. A bill granting an increase of pension to Samuel Ryan;

H. R. 8942. A bill granting an increase of pension to Michael Howlett;

H. R. 9023. A bill granting an increase of pension to Mrs. Mary Dobyns (title amended);

H. R. 9370. A bill granting a pension to Lewis M. Starring, of Rhea County, Tenn. (title amended);

H. R. 10333. A bill granting a pension to Sophie Barrett, of Clearfield, Pa. (title amended);

H. R. 11057. A bill granting an increase of pension to Leonhart Miller, Company G, Twenty-third Kentucky Volunteer Infantry (title amended);

H. R. 10945. A bill granting a pension to William T. Wyant, Danville, Pa. (title amended);

H. R. 11603. A bill granting an increase of pension to Sarah A. Dininny;

H. R. 4143. A bill granting a pension to Laura V. Swearer;

H. R. 8418. A bill for additional pension to William H. Gibbs, of Hinds County, Miss. (title amended);

H. R. 3636. A bill granting an increase of pension to George A. Libby;

H. R. 2692. A bill granting a pension to Abbie L. Godfrey (title amended);

H. R. 9840. A bill to increase the pension of William Snider (title amended);

H. R. 2656. A bill for the relief of John H. Gardner (title amended);

H. R. 4516. A bill granting a pension to Burwell Hinchman (title amended);

H. R. 10639. A bill granting an increase of pension to Mrs. Julia A. Gilpin (title amended);

H. R. 8161. A bill granting a pension to Annis Bean, mother of



William H. Wood, late of Company F, Thirty-first Ohio Volunteer Infantry (title amended);

H. R. 8647. A bill to place on the pension roll the name of Joseph Connell (title amended);

H. R. 6623. A bill granting a pension to Sarah E. Wall;

H. R. 5441. A bill granting a pension to Hugh Thompson, Company H, Fifteenth Ohio Volunteer Infantry (title amended);

H. R. 3956. A bill granting an increase of pension to George W. Plants, of Geneva, Nebr. (title amended);

H. R. 4068. A bill granting an increase of pension to Maria N. Flint;

H. R. 9785. A bill granting a pension to Catherine A. McClenathan (title amended);

H. R. 11187. A bill granting a pension to James W. Russell;

H. R. 11096. A bill granting an increase of pension to Delia E. Stillman;

H. R. 10785. A bill granting a pension to Thomas White;

H. R. 9570. A bill granting an increase of pension to Henry F. Rice; and

H. R. 11553. A bill granting an increase of pension to Louis Hebel.

The following Senate bills, without amendment, favorably reported from the Committee of the Whole, were severally considered, ordered to a third reading, read a third time, and passed:

S. 2462. An act granting an increase of pension to Emma L. Du Bois;

S. 1226. An act granting an increase of pension to George G. Kemp;

S. 3306. An act granting an increase of pension to Lucinda D. Dow;

S. 244. An act granting a pension to Mary Jane McLaughlin;

S. 2831. An act granting an increase of pension to Ermine D. Cabbell;

S. 2218. An act granting a pension to Mary R. Dean;

S. 3880. An act granting an increase of pension to Clara E. Colbath;

S. 2152. An act granting a pension to Olive W. Lay;

S. 2985. An act granting a pension to John Erb;

S. 1347. An act granting an increase of pension to Marie Sharpe;

S. 2557. An act granting a pension to Josephine Brown;

S. 3235. An act granting a pension to Andrew Ferguson;

S. 3049. An act granting an increase of pension to Mary V. Wilmarth;

S. 2190. An act granting a pension to Emma J. Bidwell;

S. 2774. An act granting an increase of pension to John H. Wilcox;

S. 4256. An act granting a pension to James H. Thomas;

S. 3536. An act restoring to the pension roll the name of Mary J. Calvin;

S. 1599. An act granting an increase of pension to Cornwell M. Brill;

S. 2830. An act granting a pension to Ailsie Bennett;

S. 1876. An act granting an increase of pension to John J. Wilson;

S. 3466. An act granting an increase of pension to John F. Hutchison;

S. 3470. An act granting a pension to Rosalia Tejidor Brinckerhoff;

S. 218. An act granting an increase of pension to Sarah E. Tate;

S. 3505. An act granting an increase of pension to Edwin Culver;

S. 2540. An act granting an increase of pension to Byron Kurtz;

S. 2543. An act granting an increase of pension to Edward A. Parmlee;

S. 3127. An act granting an increase of pension to Maj. A. Northrop;

S. 1348. An act granting an increase of pension to Eliza M. Stillman;

S. 751. An act granting an increase of pension to Mathew T. Jones;

S. 2386. An act granting a pension to Joseph E. Hendrickson;

S. 2159. An act granting an increase of pension to Ernst Pitschner;

S. 1245. An act granting a pension to Oliver Domon;

S. 2217. An act granting a pension to Louise O'Leary;

S. 4688. An act granting an increase of pension to James Childs;

S. 262. An act granting an increase of pension to Charles H. Irvin;

S. 3056. An act granting an increase of pension to Giles W. Taylor;

S. 173. An act granting an increase of pension to John H. Morrison;

S. 1984. An act granting a pension to Rebecca Harvey;

S. 3134. An act granting a pension to Martha Agnew;

S. 476. An act granting a pension to Franklin Cooley;

S. 1924. An act granting a pension to Emma R. Rusling;

S. 3356. An act granting a pension to Mary J. Quinn;

S. 3099. An act granting an increase of pension to Melancthon McCoy;

S. 712. An act granting a pension to Nellie L. Groshon; and

S. 3436. An act granting a pension to Catharine Weinheimer.

The following Senate bills, reported favorably from the Committee of the Whole, were severally considered, the amendments recommended by the Committee of the Whole agreed to, the bills ordered to a third reading, read a third time, and passed:

S. 92. An act granting a pension to William M. Ferry; and

S. 4184. An act granting an increase of pension to Evelyn Neale Murray.

On motion of Mr. GIBSON, a motion to reconsider the votes by which the several bills were passed was laid on the table.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1761. An act granting a pension to Girard Welch—to the Committee on Invalid Pensions.

S. 4440. An act granting an increase of pension to Charles Stewart—to the Committee on Invalid Pensions.

S. 1195. An act granting a pension to Mary J. Kramer—to the Committee on Pensions.

S. 2907. An act granting a pension to Henrietta Parrott—to the Committee on Invalid Pensions.

S. 3501. An act granting an increase of pension to Kate Harbaugh—to the Committee on Invalid Pensions.

S. 2624. An act granting a pension to Mary M. Kean—to the Committee on Invalid Pensions.

S. 4734. An act granting a pension to Mary A. O'Brien—to the Committee on Invalid Pensions.

S. 3070. An act granting a pension to Margaret J. Verbiskey—to the Committee on Pensions.

S. 2037. An act granting an increase of pension to George F. Burrage—to the Committee on Invalid Pensions.

S. 4859. An act granting an increase of pension to Emily A. Wentworth—to the Committee on Invalid Pensions.

S. 4834. An act granting a pension to Otto Haltnorth—to the Committee on Invalid Pensions.

S. 3758. An act granting an increase of pension to William I. Miller—to the Committee on Invalid Pensions.

#### ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 9043. An act granting an increase of pension to David S. Snyder.

#### CHARLES A. BOUTELLE.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

House joint resolution 277, to appoint Charles A. Boutelle a captain on the retired list of the Navy, was read, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint upon the retired list of the Navy, with the rank of captain, Charles A. Boutelle, formerly a volunteer lieutenant on the active list of the Navy.*

The SPEAKER. Is there objection to the present consideration of the joint resolution? The Chair hears none.

Mr. JETT. Mr. Speaker, I am of opinion that this measure ought to be considered in a full House. I am not desirous of objecting, but I would like to ask my friend from Maine to let this matter go over and be considered some time in a full House. This is in a manner a deviation, I suppose. So far as I am informed, at least, there has been no legislation of this character heretofore, and for that reason I believe the matter ought to be considered in a full House.

Mr. LITTLEFIELD. I will state for the information of the gentleman from Illinois that while there are no cases precisely parallel in every particular with this, there are at least eight precedents for practically similar action, none of which, I apprehend, will be considered, perhaps, as meritorious as this. The friends of Mr. BOUTELLE are very anxious to have the matter passed upon as speedily as possible. Of course there are other complications involved in the matter which perhaps will very readily be understood. For that reason I have been requested to call it up several times before, but this is the first opportunity I have had.

Mr. JETT. Do you say there are precedents similar to this?

Mr. LITTLEFIELD. There are at least eight instances in which men have been placed upon the retired list of the Navy by special acts of Congress. There is no instance where a man so placed on the retired list of the Navy performed the public service

that Captain BOUTELLE did in addition to his service performed while in the Navy, so that the precedents are not in line with this case to a certain extent; they are not precedents so far as the circumstances are concerned.

Mr. JETT. I was not desirous of making objection. I know something about the circumstances.

Mr. JAMES R. WILLIAMS. I would like to inquire if Mr. BOUTELLE was reelected to the next Congress?

Mr. LITTLEFIELD. Yes; but there is no question but that it will be absolutely impossible for him to serve. His physical condition has changed in some degree, and the conditions have changed somewhat from the time when he was elected.

Mr. JAMES R. WILLIAMS. He is still a member of the present Congress?

Mr. LITTLEFIELD. Yes; he is.

Mr. JAMES R. WILLIAMS. And he is reelected to the next Congress?

Mr. LITTLEFIELD. But he will undoubtedly resign as a member of the next Congress.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will allow me a moment, before the request for unanimous consent is put, I desire to state that, having served here with Mr. BOUTELLE, and knowing his estimable character, I would dislike to interfere with the passage of the bill by making an objection, but I do not believe it is right in principle. I believe it is the beginning of a civil-service pension list, although he goes on the retired list of the Navy, instead of the civil service.

As there is no opportunity for a roll call to-night without developing the fact that there is no quorum here, and therefore defeating the passage of the gentleman's bill, I merely want to take this time to say that I am opposed to the bill and expect to vote against it, so that the record when the gentleman brings it up may show that individually at least I was opposed to the passage of the bill. I do not wish to interfere with the business of the House.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the amendment striking out the preamble.

The amendment was agreed to.

The joint resolution as amended was passed.

The amendment to the title was agreed to.

On motion of Mr. LITTLEFIELD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

G. W. CLARK & SON.

By unanimous consent, Mr. BARTLETT obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of G. W. Clark & Son, Fifty-fifth Congress, no adverse report having been made thereon.

CITY OF MACON.

By unanimous consent, Mr. BARTLETT obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of the city of Macon, Fifty-sixth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GAMBLE, indefinitely, on account of important business.

To Mr. TALBERT, indefinitely, on account of sickness.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation under the Bureau of Yards and Docks—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for pay of a director of physical training at Annapolis, Md.—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner-General of Immigration submitting an estimate of appropriation for enforcement of the Chinese exclusion acts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior relating to reappropriation of certain sums appropriated for expenses of the celebration of the one hundredth anniversary of the establishment of the seat of government in the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TERRY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12395) to provide for the holding of the circuit and district courts of the United States for the eastern district of Arizona, reported the same with an amendment, accompanied by a report (No. 2031); which said bill and report were referred to the House Calendar.

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5053) to amend an act authorizing the construction of the bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900, reported the same without amendment, accompanied by a report (No. 2032); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, reported the same, accompanied by a report (No. 2035); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes, reported the same with amendments, accompanied by a report (No. 2036); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1923) for the relief of Henry Lane, reported the same without amendment, accompanied by a report (No. 2033); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3608) for the relief of the heirs of Benjamin Crump, of Culpeper County, Va.—Committee on War Claims discharged, and referred to the Committee on Private Land Claims.

A bill (H. R. 12812) for the relief of W. H. Reynolds—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes—passed House.

By Mr. TERRY: A bill (H. R. 12839) for the erection of a Federal jail at Little Rock, Ark.—to the Committee on the Judiciary.

By Mr. HILL: A bill (H. R. 12840) to provide for the purchase of a site and the erection of a public building thereon at Torrington, in the State of Connecticut—to the Committee on Public Buildings and Grounds.

By Mr. RAY of New York: A bill (H. R. 12841) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes—to the Committee on the Judiciary.

By Mr. FLYNN: A bill (H. R. 12842) to create separate supreme and district courts for the Territory of Oklahoma, and so forth—to the Committee on the Judiciary.



By Mr. RAY of New York: A bill (H. R. 12843) prescribing the qualifications, pay, and manner of selecting juries in the district courts of the Territory of New Mexico held for the trial of causes arising under the Constitution and laws of the United States—to the Committee on the Judiciary.

By Mr. NEWLANDS: A bill (H. R. 12844) for the disposition and settlement of arid lands, and for the construction of reservoirs and necessary hydraulic works for the storage of water on and near the Humboldt River, Nevada—to the Committee on Irrigation of Arid Lands.

By Mr. MORGAN: A bill (H. R. 12845) to provide for the purchase of a site and the erection of a public building thereon at Ironton, in the State of Ohio—to the Committee on Public Buildings and Grounds.

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902—to the Union Calendar.

By Mr. BINGHAM: A bill (H. R. 12847) for the recognition of the military service of noncommissioned officers and enlisted men of the United States Volunteers as commissioned officers in certain State military organizations—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 12848) granting mining privileges on Indian reservations—to the Committee on Indian Affairs.

By Mr. JONES of Washington: A bill (H. R. 12849) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose—to the Committee on the Public Lands.

By Mr. PRINCE: A joint resolution (H. J. Res. 284) providing for remodeling the Hall of the House of Representatives, and for other purposes—to the Committee on Ventilation and Acoustics.

By Mr. HENRY of Connecticut: A joint resolution (H. J. Res. 285) providing for the printing, annually, of the Report on Field Operations of the Division of Soils, Department of Agriculture—to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 12850) for the relief of the estate of W. F. Young—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 12851) for the relief of George W. Webster—to the Committee on War Claims.

By Mr. BENTON: A bill (H. R. 12852) granting a pension to Thomas J. Gibbs—to the Committee on Pensions.

Also, a bill (H. R. 12853) granting a pension to William R. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12854) granting an increase of pension to N. C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12855) granting an increase of pension to D. T. Bruck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12856) granting a pension to William T. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12857) granting a pension to D. J. Reavis—to the Committee on Invalid Pensions.

By Mr. BOUTELL of Illinois: A bill (H. R. 12858) to remove the charge of desertion against and complete the military record of Richard P. Gardner—to the Committee on Military Affairs.

By Mr. BUTLER: A bill (H. R. 12859) granting an increase of pension to James Morris—to the Committee on Invalid Pensions.

By Mr. BURKETT (by request): A bill (H. R. 12860) for the relief of Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin—to the Committee on Claims.

By Mr. BRICK: A bill (H. R. 12861) for the relief of Charles B. Bentley—to the Committee on Claims.

Also, a bill (H. R. 12862) granting a pension to Harriet Snyder—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 12863) for the relief of the heirs of Henry Ware—to the Committee on Claims.

Also, a bill (H. R. 12864) for the relief of Florence A. Brown—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 12865) for the relief of Benjamin J. Kilbourn—to the Committee on War Claims.

Also, a bill (H. R. 12866) to remove the charge of desertion from the record of Dan B. Stone—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 12867) granting a pension to Margaret M. Armor—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 12868) granting a pension to William Bieber—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 12869) granting an increase of pension to John A. Tucker—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 12870) granting a pension to Vianna R. Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12871) granting a pension to William R. Duval—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 12872) granting a pension to Josie Riggs—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 12873) granting an increase of pension to Christian May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12874) granting an increase of pension to Benjamin Zane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12875) granting an increase of pension to Samuel M. Hines—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 12876) granting a pension to Henry C. Edmiston—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 12877) granting a pension to John J. Stingle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12878) granting an increase of pension to Owen Devine—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 12879) to correct the military record of Matthew Hogan—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 12880) for the relief of Samuel B. Horne—to the Committee on Military Affairs.

By Mr. RYAN of New York: A bill (H. R. 12881) granting a pension to Catherine Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12882) granting an increase of pension to George Stork—to the Committee on Invalid Pensions.

By Mr. RYAN of Pennsylvania: A bill (H. R. 12883) granting an increase of pension to Condly Menalis—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: A bill (H. R. 12884) granting a pension to Margaret A. Weaver—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 12885) for the relief of H. A. Wilson—to the Committee on Claims.

Also (by request), a bill (H. R. 12886) for the relief of David K. Maxwell—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 12887) to grant relief to Francis A. Bliss—to the Committee on War Claims.

By Mr. WATERS: A bill (H. R. 12888) to remove the charge of desertion now standing against Phillip Hahn—to the Committee on Military Affairs.

Also, a bill (H. R. 12889) to remove the charge of desertion now standing against the name of John Maybohm—to the Committee on Military Affairs.

Also, a bill (H. R. 12890) granting an increase of pension to H. L. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12891) granting an increase of pension to Austin P. Melton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12892) for the relief of Mrs. Louise E. Ord—to the Committee on Claims.

By Mr. RAY of New York: A bill (H. R. 12893) granting a pension to Mary E. Harris—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12894) to correct military record of Capt. S. W. Baird—to the Committee on Military Affairs.

By Mr. SALMON: A bill (H. R. 12895) for the relief of John Comly—to the Committee on Patents.

By Mr. WANGER: A bill (H. R. 12896) granting a pension to Penrose Wiley Reagan—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of the Methodist Episcopal Church of Eden, N. Y., in favor of provision to prohibit the importation of intoxicating liquors into countries chiefly inhabited by native races—to the Committee on Insular Affairs.

By Mr. BENTON: Papers to accompany House bill for the relief of William T. Martin—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Petition of William K. McClure, one of the heirs of Mitchell McClure and Barshela McClure, deceased, late of Knox County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BULL: Petition of the Methodist Church of Portsmouth, R. I., against island saloons and canteens—to the Committee on Military Affairs.

By Mr. BURKETT: Papers in support of House bill for the relief of Solomon Delzell—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Paper to accompany House bill to correct the military record of Dan B. Stone—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Resolutions of Honey Creek (Wis.) Society of the Methodist Episcopal Church for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. ELLIOTT: Memorial of the Merchants' Exchange of Charleston, S. C., favoring the passage of House bill No. 1439, amending the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD of Massachusetts: Petition of the New England Drug Exchange for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of business men and resolutions of the Grocers' Association of Centerville, Iowa, against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Quincy, Iowa, in relation to rural delivery—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Presbyterian congregation of Russell, Iowa, and citizens of Sidney, Iowa, for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

Also, petition of W. H. Parrish and others, favoring legislation giving blind soldiers of civil war a pension of \$50 per month—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Henry C. Edmiston—to the Committee on Invalid Pensions.

By Mr. KNOX: Resolutions of the Woman's Christian Temperance Union of Lynnfield Center, Mass., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. MANN: Resolutions of the Chicago Bar Association, protesting against the organization of a third or middle judicial district in the State of Illinois—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of the Chamber of Commerce of Milwaukee, Wis., relating to the reduction of the war revenue—to the Committee on Ways and Means.

Also, petition of Wisconsin State Federation of Women's Clubs, in favor of the forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. POWERS: Papers to accompany House bill No. 10727, granting a pension to Frances A. Wilkins—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of letter carriers of Indianapolis, Ind., asking for the passage of House bill No. 1051, for the relief of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Resolutions of Preston (Conn.) Christian Endeavor Society, for international action of Christian governments excluding intoxicants from domains inhabited by natives and uncivilized races—to the Committee on Foreign Affairs.

Also, resolutions of Thompsonville (Conn.) Board of Trade, favoring improvements in Connecticut River above Hartford—to the Committee on Rivers and Harbors.

By Mr. TERRY: Resolution of city council of Little Rock, Ark., tendering to the United States Government, out of the river front, property to be selected by the Government, a sufficient plot of ground on which to erect a United States jail—to the Committee on the Judiciary.

By Mr. UNDERWOOD: Petition of David Ketner Maxwell, of Tennessee, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WATERS: Resolution of the board of directors of the Los Angeles Chamber of Commerce, favoring the extension of soil surveys in California—to the Committee on Agriculture.

By Mr. WEEKS: Petition of Roger Gorbett and others, of Lexington and vicinity; also resolution of Agency for the Protection of Women and Children, Detroit, Mich., in favor of anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WEYMOUTH: Papers to accompany House bill No. 12727, granting a pension to Nancy M. Guild—to the Committee on Invalid Pensions.

By Mr. WILSON of Idaho: Petition of the Woman's Christian Temperance Union of Middleton, Idaho, favoring House bill No. 8752, for the suppression of Army canteen—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of the Young People's Society of Christian Endeavor of McDowell Memorial Presbyterian Church, of Philadelphia, Pa., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

Also, petition of the First National Bank of Philadelphia, Pa., to reduce the war tax on bank capital and surplus—to the Committee on Ways and Means.

Also, petition of the Philadelphia Council of Jewish Women, urging Congress to provide necessary legislation for creation of national park in northern Minnesota—to the Committee on the Public Lands.

## SENATE.

TUESDAY, December 18, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The PRESIDENT pro tempore announced his signature to the enrolled bill (H. R. 2955) providing for the resurvey of township No. 8 of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska; which had previously been signed on May 21, 1900, by the Speaker of the House of Representatives.

## CENTENNIAL CELEBRATION AT WASHINGTON.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, relative to the expenses incurred by the governors of the States and Territories in attending the anniversary celebration of the establishment of the seat of government in the District of Columbia.

The Chair calls the attention of the Senator from Maine to this communication. It relates to the question of the expenses of the governors of the several States coming to the centennial anniversary. That committee is still in existence?

Mr. HALE. There are some things in the way of settling these very questions on which the committee will have to meet, and I think the communication had better be sent to that committee.

The PRESIDENT pro tempore. Without objection, the communication will be referred to the Select Committee on the Centennial of the Establishment of the Seat of Government in Washington.

Mr. HALE subsequently said: On reflection, as the question relates to an item in the appropriation bill touching the centennial celebration, I ask that the reference be changed and that the communication go to the Committee on Appropriations.

The PRESIDENT pro tempore. Without objection, it will be so ordered. The Chair wishes that the Senator from Maine would read the communication when he has leisure.

Mr. HALE. I shall take occasion to do so very soon.

The PRESIDENT pro tempore. It may require legislation and not an appropriation.

## DISPOSAL OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Civil Service Commission, transmitting, pursuant to law, certain information relative to the accumulation of useless papers of no permanent value or historical interest, and requesting authority to destroy such papers from time to time in the future whenever they shall have been on the files of the commission at least five years; which was referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

## ELECTORAL VOTES OF PENNSYLVANIA AND GEORGIA.

The PRESIDENT pro tempore laid before the Senate two communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Pennsylvania and Georgia at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, were ordered to lie on the table.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 173) granting an increase of pension to John H. Morrison;

A bill (S. 218) granting an increase of pension to Sarah E. Tate;

A bill (S. 244) granting a pension to Mary Jane McLaughlin;

A bill (S. 262) granting an increase of pension to Charles H. Irvin;

A bill (S. 476) granting a pension to Franklin Cooley;

A bill (S. 712) granting a pension to Nellie L. Groshon;

A bill (S. 751) granting an increase of pension to Mathew T. Jones;

A bill (S. 1226) granting an increase of pension to George G. Kemp;

A bill (S. 1245) granting a pension to Oliver Doman;

A bill (S. 1347) granting an increase of pension to Marie Sharpe;

A bill (S. 1348) granting an increase of pension to Eliza M. Stillman;

A bill (S. 1599) granting an increase of pension to Cornwell M. Brill;

A bill (S. 1876) granting an increase of pension to John J. Wilson;

A bill (S. 1924) granting a pension to Emma R. Rusling;

A bill (S. 1984) granting a pension to Rebecca Harvey;